91-05741/

Report to the Solicitor General

POLICE PURSUIT IN BRITISH COLUMBIA

Prepared by the
B.C. Police Commission

October 1990

This report on Police Pursuit in British Columbia does not necessarily reflect the views of the Solicitor General of British Columbia nor the Ministry of the Solicitor General of British Columbia.

ACKNOWLEDGEMENT

The writers would like to express their thanks to the various police commissions across Canada and police departments in other jurisdictions for providing information. The six hundred and thirty five respondents (police and citizens) who gave of their time and shared their opinions as part of the opinion survey made a special contribution to this project. The ease with which the survey forms were distributed and collected within the twelve municipal British Columbia police departments would not have been possible without the assistance of the Chief Constables which was much appreciated.

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SUMMARY OF RECOMMENDATIONS

It is recommended that new guidelines for police pursuits be introduced, the conscious purpose of which is to reduce the number of related incidents which cause damage, injury, and death. The new guidelines will enable police departments to regulate the following: the equipment to be used in police pursuit; the use of police vehicles in the enforcement of prescribed categories of offenses; the continuation and termination of a police pursuit; and training and reporting procedures. The guidelines provide reasonable and prudent safeguards for pursuit related activities, whereby the principal purpose is for the apprehension of offenders and protection of the community. The recommendations are presented in detail in section nine of the report.

ABSTRACT

It has been thought timely to review the current British Columbia Guidelines approved by the Attorney General in 1982.[1] Any revision should be formulated on two main requirements. First, that the immediate, short term needs of the police service relative to criminal matters can be met. Second, that long term improvements in community safety are gained. If there is understanding, agreement, and support on these two matters, particularly on the part of police officers who have to work with any increased restrictions, then, long term benefits are more likely to accrue to the police service as alternate means of identifying and charging the fleeing driver are explored and introduced.

The overall focus of the report is on street related matters where the action occurs fast and furious when a pursuit is under way. This is in stark contrast to the quiet, cloistered environs of the courts where the pursuit scene is subsequently recreated and examined step by step in civil or criminal proceedings. Throughout there are references to court cases in which the issue has been pursuit related. Those mentioned are included to act as indicators of the circumstances where the police service has been found one hundred percent liable, partially liable, or exonerated from any allegations of negligence.

Mastering the lawless science of our law
That codeless myriad of precedent
That wilderness of single instances
Through which a few by wit or fortune led
May beat a pathway out to wealth and fame

Tennyson
Aylmer's Field

It is very appropriate to bear in mind some of the key decisions that have occurred in the past and which now provide a basis for future decisions. Any new guidelines should reflect the thinking of the court given the probability of pursuit related accidents and subsequent court actions. All citizens have a duty to refrain from actions which a reasonable person can foresee is likely to cause injury or harm. Exoneration for an individual accused of breaking this duty to others is conferred by the courts very sparingly. The occasions when it has not been granted includes many cases where police officers became involved in a pursuit related accident.

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[1]The guidelines are reproduced at Appendix B.

Short of a total ban, no guideline or procedure for police pursuits can be free from risk. Why should there be any risk involved to the public? Why not impose a total ban if the welfare of citizens at large is to be the primary consideration?

It can be successfully argued that a total ban on pursuits would be an impractical measure not compatible with the overall objectives of society that wishes to maintain the peace and uphold the law. In fulfilling a mandate to provide that desired state of tranquillity the police service and citizens who become involved may be exposed to varying degrees of hazard. *Salus populi est suprema lex* is the legal principle involved and has been described as meaning:

> The implied agreement of every member of society that his own individual welfare shall, in cases of necessity, yield to that of the community; and that his property, liberty, and life shall, under certain circumstances, be placed in jeopardy or even sacrificed for the public good.[2]

This applies to extreme situations and certainly cannot be contemplated as a starting point for pursuit philosophy. The principle, though, has been reaffirmed on subsequent occasions in the context that a risk free community is not always feasible where the enforcement of law is required.

In *Priestman v. Colangelo*, in a majority decision of the Supreme Court of Canada, Judge Locke in reversing an earlier finding of negligence made reference to this principle saying "...the performance of the duty imposed upon police officers to arrest offenders who have committed a crime and are fleeing to avoid arrest may at times and of necessity involve risk of injury to other members of the community".[3] The Judge went on to say, however, that although in this pursuit related case the officer was moving lawfully to apprehend a fleeing suspect there was no requirement in law for an officer to attempt an apprehension regardless of the consequences.[4]

Obviously no one desires outcomes where injuries are sustained or lives sacrificed. For pursuit matters the objective, therefore, becomes to implement guidelines and procedures that assess and manage the risks through reasonable and prudent safeguards. And while the guidelines seek to reduce the number of pursuits and attendant injuries, worst case scenarios will still be an ever present risk.

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[2]Priestman v. Colangelo. (1959) 19. D.L.R. (2d) 1. (S.C.C.) Locke J. quoting Broom's Legal Maxims.

[3](1959) 19 D.L.R. (2d) 1 at 7.

[4]Ibid.

METHODOLOGY

Guidelines from other provinces were obtained and compared along with procedures in effect in other municipal police departments and the Royal Canadian Mounted Police. Current literature relative to pursuit tactics was reviewed. Statistical data was obtained for pursuits occurring in British Columbia during the review period 1982 to 1989. A questionnaire was designed for an opinion survey subsequently conducted with 635 respondents. The respondent group was comprised as follows: citizens; recruit constables in initial training; police officers from constable to staff sergeant assigned to patrol duties; and police managers. Decisions in related civil cases were studied.

The anatomy of a pursuit was reconstructed from its initiation to termination. This was done to ensure any subsequent recommendations covered all the tasks and the roles taken by designated individuals. Some alternate strategies for apprehending a fleeing driver were also explored. The result is a completely revised set of pursuit guidelines. Several related recommendations are also made.

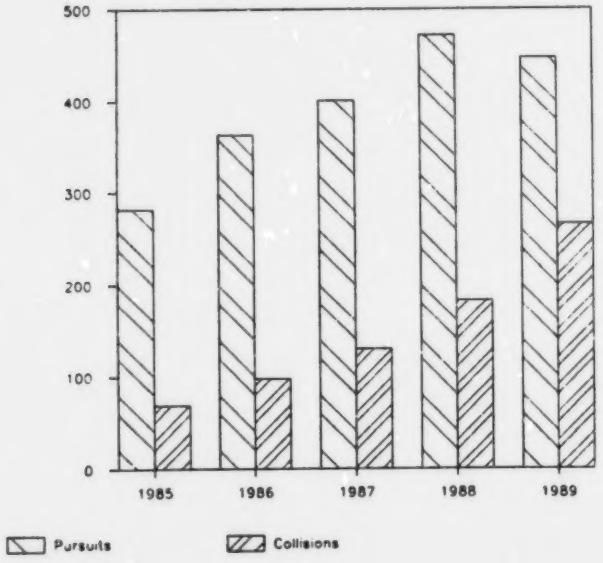
1. BACKGROUND

The current British Columbia guidelines have been in place for eight years. They in no way prohibit police pursuits. In this respect they are similar to regulations and procedures in effect in the twelve municipal police departments in the Province. The guidelines and the departmental regulations, however, try to provide direction for the officer(s) involved on how to assess and manage the risks inherent to pursuit, and the risks are high. The extent to which officers have concluded that the risk of pursuit was worthwhile and should be undertaken is shown in Figure 1 which covers the period 1985 to 1989.

1.2 Pursuit Statistics For British Columbia, 1985 to 1989

A review of the pursuit provincial figures from 1985 to 1989[1] suggests a pattern of increase in police pursuits and pursuits ending in collisions, injuries, and deaths. Police pursuits increased by 67 percent from 282 in 1985 to 472 in 1988, and declined by only 5 percent in 1989 to 447 (see Figure 1).

Figure 1. Total Police Pursuits and Police Pursuits Ending in Collisions for Five Year Period, 1985 through 1989.



[1]Police Services, Ministry of Solicitor General, March 13, 1990.

The ratio of collisions to pursuits has continuously risen from about 1:4 in 1985 to 1:2 pursuits ending in crashes in 1989. Similarly, property damage more than doubled from $303,700 in 1985 to $707,500 in 1989. For the five year period, property damage totalled $2,426,600 which averages to $1230 per pursuit. In 1989 property damage averaged $1580 per pursuit.

Over the five year period, the number of persons injured in a police pursuit ranged from 47 in 1988 to 90 in 1987. The annual totals for deaths and injuries varied with no evidence of predictable trends (see Figure 2). Nonetheless the figures are significant and deserve consideration with a view to action. From 1985 to 1989, the police pursuit reports indicate 17 people were killed and 323 were injured; in other words, almost one chase in six ended in injury. Of the 340 persons killed or injured, 18 and 9 percent, respectively, were uninvolved third parties (see Figure 3).

Figure 2. **Deaths and Injuries in a Police Pursuit for Five Year Period, 1985 through 1989.**

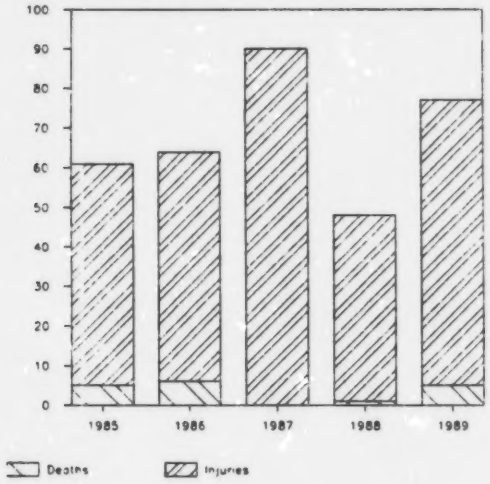


Figure 3. **Injured or Killed Party Involved over Five Year Period, 1985 through 1989.**

Party Involved	*Injured*		*Killed*	
	N	%	*N*	%
Pursued Party	224	69%	14	82%
Police Personnel	68	22%		
Innocent Party in Vehicle	30	9%	3	18%
Pedestrians	1			
TOTAL	323	100%	17	100%

Figures 4 and 5 show a list of the offences indicated by officers as the events and charges resulting from a pursuit. The numbers indicate that slightly more than one-third (37%) of the offences dealt with motor vehicle violations while the remainder were classified as criminal code offences or other. The three most common events given by police officers for undertaking the pursuit were speeding (14%), miscellaneous motor vehicle offences (13%), and theft of motor vehicle (12%). These results represent only the pursuits undertaken by municipal police departments; the RCMP data for this category is not available. Also, it should be mentioned that the data is not sufficiently precise to distinguish between the officer's evaluation of the event precipitating the pursuit and charges arising from the pursuit itself. However, though the data is not complete, it is of interest and encourages the requirement for more exact and comprehensive data collection.[2] This aspect of police pursuit data collection is addressed more fully in section five.

Figure 4. Offences Indicated by Officers as Charges Resulting from Police Pursuit.

Offenses	*N*	%
Stolen Vehicle	157	19%
Dangerous Driving	124	15%
Fleeing Criminal/ Wanted Person	91	11%
Avoid Arrest/ Fail to Stop	89	11%
Careless Driving	69	8%
Driving Under the Influence	50	6%
Leaving the Scene of an Accident	19	2%
Suspected Break and Enter	17	2%
Robbery	16	2%
Misc. Criminal Code*	165	20%
Other**	38	4%
TOTAL	835	100%

*includes Suspended Driver, Criminal Negligence, Narcotics, Liquor Act, Suspended Vehicle.
**includes Noise, Assist other Forces, Mental Patient.

Figure 5. Motor Vehicle Violations Indicated by Officers as Charges Resulting from Police Pursuit.

Motor Vehicle Offence	*N*	%
Speeding	188	39%
Traffic Check	63	13%
Racing	17	3%
Red Light/ Stop Sign	15	3%
License Plates	15	3%
Defective Equipment	11	2%
No Seat Belt	4	1%
Misc. Motor Vehicle Act	173	36%
TOTAL	486	100%

[2]Caution must be taken when interpreting high speed pursuit figures because of the possibility departments use various definitions for what constitutes a "high speed chase" or "police pursuit".

Even with allowances being made for urban growth during this period the increased accident rate together with the increased number of reported pursuits indicates the guidelines are losing their effectiveness. Is it now necessary to raise the minimum levels of protection for citizens and police officers from the lethal hazards of police pursuits? This paper examines some of the relevant issues to this question. The first areas examined were existing legislation and departmental policy and procedures.

1.3 Policy and Procedures

The policy and procedures in effect in municipal police departments in B.C. were reviewed and can be summarized as striving to reach a practical balance which is satisfactory to everyone.[3] A police officer is allowed to make a judgment call on whether to pursue or not, provided a range of safety related issues such as weather, traffic, and road conditions have been considered and continue to be considered until the pursuit is either concluded or abandoned. The precipitating offence is also a factor to be considered along with the safety related issues. At the moment, then, in B.C. the following applies:

1. The purpose of vehicle pursuits is to apprehend drivers who wilfully refuse to stop when signalled to do so by a police officer.
2. There are no specific exclusionary rules whereby pursuits are not to be undertaken and, therefore, a vehicle pursuit can be carried out for any offence, serious or minor, vehicle related or otherwise.
3. The offence involved is only one of several equally weighted factors to be considered by the police officer(s) which include: road conditions, weather conditions, pedestrian and vehicular traffic present and reasonably to be expected; and this is to determine and assess the risk or likelihood of an accident involving an unconnected third party, the police officer, the fleeing driver, or all of the above.

The seriousness of the initial offence (excluding the offence of failure to stop) is given no special weighting or prioritization as the first and foremost factor to be considered and considered separately from all others. And, yet it is the seriousness of this initial incident or offence that is often a key factor in judgments arising from civil suits where a police pursuit has gone wrong.

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[3]Comparison of Municipal Police Departments Procedure Manual, Entries on Hazardous Pursuits. October, 1986.

1.4 Historical Position of a Police Constable- Use of Discretionary Power

A police officer occupies a unique and distinct office in our society. He or she enjoys a freedom to exercise a discretionary power relative to what action is taken by that officer against an offender; to lay a charge, to warn verbally, to turn a blind eye. The holder of the office of constable has the discretionary power to charge a suspect with an offence or to refrain from doing so. Obviously, if it is the latter case and there are glaring reasons indicating why a charge should have been laid the constable may have to defend an allegation of neglect. Be that as it may, the point to consider here is the discretionary power granted to the position. There is a very real need to preserve the integrity of the office so that it remains free and unencumbered from persuasions to act other than as dictated by a personal judgment.

Section 26(2) of the B.C. Police Act states:

> (2) The duties and functions of a municipal police force are, under the direction of the board, to
>
> (a) enforce, in the municipality, municipal bylaws, the criminal law and the laws of the Province,
>
> (b) generally maintain law and order in the municipality, and
>
> (c) prevent crime.[4]

The enforcement of laws is a properly constituted function of the municipal police constable.

1.5 Legal Exemptions Under The Motor Vehicle Act

To enable a police officer to respond to an emergency, limited exemptions are provided under the Motor Vehicle Act whereby certain aspects of driving which would be an offence under normal circumstances are allowed. Even then certain conditions must be met. Section 118 of the Motor Vehicle Act states:

> 118. (1) Notwithstanding anything in this Part, but subject to subsections (2) and (3), a driver of an emergency vehicle may
>
> (a) exceed the speed limit;
>
> (b) proceed past a red traffic control signal or stop sign without stopping;
>
> (c) disregard rules and traffic control devices governing direction of movement or turning in specified directions; and
>
> (d) stop or stand.

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[4]Police Act, S.B.C. 1988, c.331.

(2) The driver of an emergency vehicle shall not exercise the privileges granted by subsection (1) unless he is

(a) sounding an audible signal bell, siren or exhaust whistle and showing a flashing red light;

(b) a peace officer in the immediate pursuit of an actual or suspected violator of the law; or

(c) a peace officer engaged in a police duty of a nature that the sounding of a signal bell, siren or exhaust whistle would unduly hamper the performance of that duty, in which case he may exercise the privileges granted by subsection (1) by showing a red flashing light only.

(3) The driver of an emergency vehicle exercising a privilege granted by subsection (1) shall drive with due regard for safety, having regard to all the circumstances of the case, including

(a) the nature, condition and use of the highway;

(b) the amount of traffic that is on, or might reasonably be expected to be on, the highway; and

(c) the nature of the use being made of the emergency vehicle at the time.[5]

Even though Section 118 of the Motor Vehicle Act allows a police officer certain exemptions there are no exemptions for any act of driving thought to be criminal in nature such as dangerous driving.

1.6 Section 28 of B.C. Police Act

Section 28 of the Police Act allows the municipal police board to make certain rules in a prescribed manner.

28. (1) Every board shall make rules not inconsistent with this Act and the regulations respecting the

(a) standards, guidelines and policies for the administration of the municipal police force,

(b) prevention of neglect and abuse by its municipal constables, and

(c) efficient discharge of duties and functions by the municipal police force and municipal constables.

(2) A rule under subsection (1) shall not be enforceable against any person until it is filed with the commission.[6]

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[5]Motor Vehicle Act, R.S.B.C. 1979, c.288, as amended.

[6]Police Act, S.B.C. 1988, c.53.

To make a rule that restricts pursuits to certain categories of offences could be difficult from a legal perspective, given the historical autonomy of the police officer's position and use of discretionary powers in enforcing the law. There are in place local restrictions which specify how a municipally owned vehicle can be operated for emergency purposes. These further restrict actions allowed in Section 118 of the Motor Vehicle Act. For example, New Westminster Police Department requires vehicles responding Code 3 to:

> ...operate the police vehicle at a moderate rate of speed NOT in excess of 25 kph over the legal speed limit.
>
> ...when proceeding against a traffic control device at an intersection, stop the police vehicle on the approach side of the intersection and then proceed at a speed of less than 10 kph through the intersection.[7]

Other departments place similar restrictions on what can be done with police vehicles in pursuit situations. Restrictions on pursuit tactics, therefore, already exist but only once they are under way. Consideration should be given to expanding this procedural mechanism to situations where the precipitating incident is of a minor nature. There would be an inverse correlation to the type of restrictions and the seriousness of the offence; the more minor the offence the greater the restrictions.

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[7]New Westminster Police Department's Operations Manual No. 1. CG1000 - 4.0.

2. ANATOMY OF A CHASE

There are several distinct phases of a pursuit from its initiation, through continuation to termination. This anatomy of a chase will now be examined phase by phase.

2.1 Initiation

As mentioned in an earlier section of this report, the event that generates police attention and a suspect driver's decision to flee is only one of several factors a police officer considers in deciding whether or not to try and stay with the rapidly departing vehicle. There is no mandatory prioritization given to the seriousness of what the fleeing driver is suspected of having committed. The seriousness of the offence has been given special consideration by the courts when determining the appropriateness of a police officer's pursuit related actions. Where the person fleeing has committed an offence for which he or she is arrestable without a warrant the act of pursuit is more strongly supported. In *Moore et al. v. Fanning et al.*, the suspect driver had already committed acts of dangerous driving before a pursuit was initiated.[8] The police were not held liable for the subsequent dangerous driving by the suspect that resulted in a fatal crash.[9]

To successfully defend an allegation of negligence the police officer pursuing or otherwise involved must show compliance with the Motor Vehicle Act and departmental rules and regulations in order to avoid being found to be the "proximate cause" of an accident between the suspect and an uninvolved party. The required standard of performance for police officers involved in a pursuit is high. In *Moore et al. v. Fanning et al.* the trial judge noted the exemplary manner in which the police officers involved had conducted the pursuit, complying fully with the various restrictions governing their actions.[10]

An equally important duty requires a police officer to refrain from an act which a reasonable person can foresee is likely to cause injury to persons in the vicinity. In *Priestman v. Colangelo and Smythson* the

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[8](1987) 60 O.R. (2d) 225. (Ont. H.C.).

[9]Ibid., at 233.

[10]Ibid., at 231-232.

duty to apprehend was held not to be an absolute one, the performance of which a police officer is bound to regardless of the consequences to other persons.[11]

The cases illustrate the point that the event which starts the pursuit will be looked at to determine the appropriateness of the police officer's decision to apprehend the suspect. The seriousness of the offence has been given consideration in other jurisdictions. For example, Manitoba's pursuit guidelines state a high speed pursuit will not be undertaken when "entered into for minor violations or for reasons of suspicion only"[12]. Ontario's policy, which applies to all police forces in the province through a regulation made under the Police Act states:

> · Police pursuits may be initiated where the police officer has reason to believe a criminal offence has been or is about to be committed.
>
> · In cases involving suspected non-criminal offences police pursuits maybe initiated only for the purposes of identifying the vehicle. In these cases, police pursuits shall be discontinued upon vehicle identification.[13]

As was shown in Figure 3 in section one of the report, one-third of the pursuits in B.C. originate from a Motor Vehicle Act violation. The percentage is thought to be higher but is masked by the charge laid at the end of the pursuit which in many cases is dangerous driving.

In the current B.C. pursuit guidelines and departmental policies and procedures, the seriousness of the offence is not subject to a mandatory exclusionary rule. Abstention from chases for minor matters is clearly encouraged, the encouragement being provided by the strong cautionary tone injected into the written word. For example,

> Where the officer has reason to believe that the offending driver is guilty of a minor offence and seeks to escape the consequences thereof by driving at high speeds, he, the officer should pursue with excessive caution lest the consequences be more serious than the offence.[14]

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[11](1959) 19 D.L.R (2d) 1. (S.C.C.).

[12]Police Pursuit Guidelines and Related Recommendations, Manitoba Police Commission, April 14, 1989.

[13]Police Pursuit Directive, Ministry of the Solicitor General, Ontario. December 6, 1989.

[14]B.C. Police Commission Guidelines, Ministry of Attorney General. 1982.

It is appropriate to provide more specific direction for police officers who are working under stressful conditions in any pursuit situation. It does not appear feasible to extract any greater compliance with guidelines by making further semantic adjustments to those currently in use. Changes to the guidelines are discussed at a later stage of this report.

Passengers in a fleeing vehicle require special consideration. Where they have quite clearly been a party to the offence for which the driver is now attempting to escape, unless they make overt acts to stop the driver's conduct they become tied to his or her manner of driving and all that goes with it. This includes injuries to themselves arising from a pursuit related crash. For example, when bank robbers jump into a get away car and deter pursuing police officers by firing shots, they are mutually responsible for each other's conduct.

If a passenger is assisting, encouraging, or supporting the actions of the driver, the passenger becomes vulnerable to the risks the driver is taking with slim chances of gaining redress if personal injuries resulted. In the two cases that follow the injured parties were passengers in vehicles that were pursued and crashed. The discussion on the defence raised in *Tomlinson v. Harrison et al.* is of interest and illustrates the mechanism by which a passenger in a fleeing vehicle may or may not obtain redress.[15] The defences were; *volenti non fit injuria* and, ex *turpi causa non oritur actio*.[16]

Volenti non fit injuria is defined as, "That to which a man consents cannot be considered an injury. No act is actionable as a tort at the suit of any person who has expressly or impliedly assented to it; no one can enforce a right which he has voluntarily waived or abandoned."[17] The rule applies to intentional acts that would otherwise be tortious. No person can license another to commit a crime. *Ex turpi causa non oritur actio* means an action does not arise from a base (illegal or immoral) cause.[18]

In *Phillips v. Vespini* the passenger's civil actions for injuries named the police department as defendants.[19] It was unsuccessful even though the passenger told the driver to stop (fleeing from the police).

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[15][1972] 1 O.R. 670. (Ont. H.C.).

[16]Ibid., at 670.

[17]Gisbornes's Concise Law Dictionary, 5th Edition, p. 331.

[18]Ibid., at 128.

[19]Unreported, Ont. C.A., May 11, 1988. Referred to D.R.S. 86-434.

In this particular case both the passenger and the driver had been parties to drug possession that had prompted one of them to throw a eight pound bag of marijuana from the window of the vehicle. The police were proceeding to arrest them. On appeal of the original failed action, the Ontario Court of Appeal ruled that the passenger making a remark that the driver should stop was insufficient to separate the passenger from the driver's actions when they were both involved in a joint criminal venture to obtain drugs and escape from police. The judges ruled that the driver and the passenger were aware they were fleeing from a police vehicle and that there was nothing done by the police that caused or contributed to the ultimate accident.

In *Tomlinson v. Harrison et al.* the police were not named in the action.[20] The common purpose of the three people involved was to drink beer, steal a car, drink more beer en route to wherever and flee from a police car they had inadvertently overtaken at 100 mph on a highway. In the absence of any evidence that the common purpose no longer existed the judge ruled the party bringing the action was party to the attempt to escape arrest.

In both cases, all parties in the vehicles had been involved in criminal offences, hence, the finding of "common purpose". The injured passenger(s) were also held to have been supportive of the driver or insufficiently demonstrative in getting the vehicle stopped. The seriousness of the offence was referred to when considering to what extent the common enterprise would have a common agreement to escape justice. The presumption becomes stronger as the gravity of the offence escalates. It weakens as the offence category lowers. For example, three people committing an armed robbery would be presumed to be united in purpose to make a getaway. Three teenagers drinking liquor in public or in a vehicle while underage would not necessarily be looked at in the same manner as the robbery suspects. However, both trios may attempt an escape by car and commit the same type of driving, hence, the need to vary response modes relative to the category of the offence. The issue becomes even murkierwhen the prior involvement of the passenger in an activity of which the driver is suspected, not known, or not even relevant; for example, when a driver runs from a radar infraction.

2.2 Continuation

Once the decision to pursue has been made events usually occur quite quickly. Although some pursuits can continue for a long time, generally speaking, in urban areas most are of comparatively short

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[20][1972] 1 O.R. 670, (Ont. H.C.).

duration. In that compressed time frame, however, circumstances can change considerably. In a few seconds a fleeing vehicle can travel from an uninhabited industrial area into a densely populated retail area; from a four lane arterial route the pursuit can quickly divert into a residential lane complete with speed bumps and kids at play signs; the pursuit that starts on a winter's night on a well travelled level stretch of road in seconds can be on the icy gradient of a side street; and so on. It is clear that a constantly changing scenario faces the police officer engaged in a pursuit. He or she must constantly analyze many factors while driving under emergency conditions and determine whether or not the pursuit is to be continued or abandoned.

Several cases have addressed this aspect of pursuit driving. The requirement to drive with due regard for safety, having regard to all the circumstances of the case has been given various expressions. In *Sinclair et al v. Siddle*, the Court of Appeal quoted with approval the following: "The rights enjoyed under [s. 123 of the Act] are not absolute but relative and must be exercised with due regard to dangers that should be reasonably anticipated."[21] In *Crew et al. v. Nicholson et al.*, where the speed was inappropriate to the terrain and the road surface, a police officer was held partially liable for a fatal crash.[22]

As a general rule, a police driver must keep the speed of the police vehicle within its braking capabilities for the road situation ahead. A pursuit in urban areas requires heavy braking throughout usually with a reduction in stopping power occurring as the incident continues. The driver who rear ends another vehicle has usually been found to be negligent.

There is always an exception to the rule, however, and this appears to have occurred in *Pepper v. Hoover et al.*[23] Constable Hoover was pursuing a vehicle at high speed. The suspect vehicle failed to negotiate a curve and landed in a ditch. The police vehicle also failed to negotiate the curve ending up in the same ditch, colliding with the suspect's car. The officer's driving was not held to be negligent due to the dangerous driving committed previously by the suspect and for which PC Hoover was trying to make an arrest. Again, the seriousness of the offence and the correctness of the officer's decision to pursue is seen as a significant factor in the judge's decision. The continuation of a pursuit is subject to the

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[21](1965) 53 D.L.R. (2d) (B.C.C.A.).

[22]Ont. C.A. Unreported. Doc. No. C.A. 304/87 referred to 87 D.R.S. 86-259. Affirming (1987) MVR (2d) 284.

[23](1976) 71 D.L.R. (3d) 129. (Alta. S.C.).

kaleidoscope of ever changing factors that can require a virtually instantaneous decision to discontinue as the risks change and escalate.

Once a pursuit is under way the police officer involved should immediately broadcast the details. An ongoing pursuit should be classed as an emergency situation with priority given to all related transmissions. Key personnel are the on duty supervisor and the dispatcher. Specific activities for these positions should be included in any guidelines.

Details of the emergency situation should be broadcast on all operational channels. Given the size of most municipalities in B.C. consideration must also be given to quickly relaying pursuit information to neighbouring police departments. This can prevent accident and injury occurring to a fellow police officer who, upon seeing a speeding vehicle, could well respond with an appropriate driving manoeuvre under the mistaken impression of being the initiating unit and totally unaware of the fast moving police vehicle(s) following. This lack of information or a variation of it can and has triggered a chain of events that ended in tragedy in this province.[24]

Supervisory roles are prescribed in pursuit guidelines for other jurisdictions, for example, Manitoba, Ontario and the RCMP guidelines. This is also in effect within most municipal police departments in British Columbia and to include these tasks in the provincial guidelines would not be out of place.

2.3 Termination

The decision to terminate an ongoing pursuit may be made at any time by the officer in the primary unit, the supervisor, or the duty officer. The decision to terminate should in no way be viewed as a possible neglect of duty on the part of the officer pursuing. Rather the philosophy contained in the RCMP policy should be reflected throughout all training programs related to pursuit driving. The RCMP policy states:

> No criticism will be levelled against a member who's judgment dictates the need to discontinue a hazardous pursuit. However, criticism will follow when pursuits are initiated and are continued unnecessarily, particularly if death or injury results.[25]

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[24]See the facts in Malfair et al. v. Wile et al. (1987) B.C.L.R. (2d) 155 (B.C.S.C.) at 157. 15. Also Kamloops Coroner's Inquiry. May 1985.

[25]Royal Canadian Mounted Police, Operational Manual. Chap. II.6.

The courts have also reaffirmed the correctness of a decision to terminate a pursuit, regrettably, expressed in cases where the termination resulted from an accident. The courts reinforce a requirement that all citizens refrain from committing an act a reasonable man should foresee is likely to cause injury. It has already been stated, in this report, that the enforcement of laws cannot be conducted without risk of injury even to an uninvolved third party. However, when the degree of risk becomes too high the activity engaged in can no longer be continued. In *Priestman v. Colangelo* it was held that when the continuation of the pursuit would almost certainly result in disaster the duty of the police was to reduce speed and it may be to abandon the pursuit rather than take the action they did.[26] In this case it was an attempt to shoot a tire out, but the bullet hit the driver instead. The tragic consequences of the car going out of control will be referred to in section eight, under Ramming.

It should always be remembered that even if a department placed no operational restrictions on the police driver, the Motor Vehicle Act does. All emergency driving (for whatever reason) must comply at all times with the provisions of the Motor Vehicle Act and departmental guidelines. If there is a consensus that further restrictions on the operation of the municipally owned police vehicle is a practical route to follow, it then becomes necessary to determine the circumstances when more stringent controls would be appropriate. In an effort to identify where these extra controls could be applied, an opinion survey was designed and conducted. The purpose of the survey was to determine the opinions of the police and public relative to pursuit according to the seriousness of offence.

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[26](1959) 19 D.L.R. (2d) 1. (S.C.C.).

3. POLICE PURSUIT SURVEY[27]

Data was acquired from four target populations: (1) all police officers from constable to staff sergeant assigned to patrol duty currently employed by the 12 municipal police departments in B.C.; (2) all police officers from inspector and chief constables currently employed by the 12 municipal police departments in B.C. (referred to as police management); (3) all police officers enrolled in recruit training at the B.C. Police Academy; and (4) all citizens residing in the lower mainland and the Capital Regional District.

A questionnaire form was constructed to determine to what extent, if any, the four groups agreed on whether police should undertake the risks of pursuit when it was known the fleeing driver had committed a specific "type of offence". Respondents in all four groups were given the same list of 26 offences that ranged from minor to serious motor vehicle violations and minor to serious criminal offences.

A secondary part of the survey involved an opinion survey. Respondents from the police management and patrol group were requested to answer six questions concerning (1) unmarked cars; (2) Crown counsel; (3) serious crime; (4) morale; (5) aerial surveillance; and (6) public education. Respondents were required to give a "yes" or "no" answer and a comment section for each response was provided. The design of the questions would not support a statistical analysis, but that was not the intention of this part: The questions were formulated to encourage further comment these issues. The responses were not tabulated or recorded because of their opinion type nature, but they provided the authors with useful current and local background information.

A mailed questionnaire was used for the police management group because of its efficiency. All 59 individuals were sent a cover letter stressing the importance of their cooperation, a questionnaire form, and a pre-addressed envelope. Of the questionnaires sent out, 91 percent were returned.

Course facilitators for blocks one and three of recruit training at the Police Academy distributed and collected completed questionnaires from all 59 participants. Similarly, selected individuals within each municipal department distributed the questionnaires to all 135 patrol officers on March 21, during day shift. The completed forms were collected and returned to the Commission offices.

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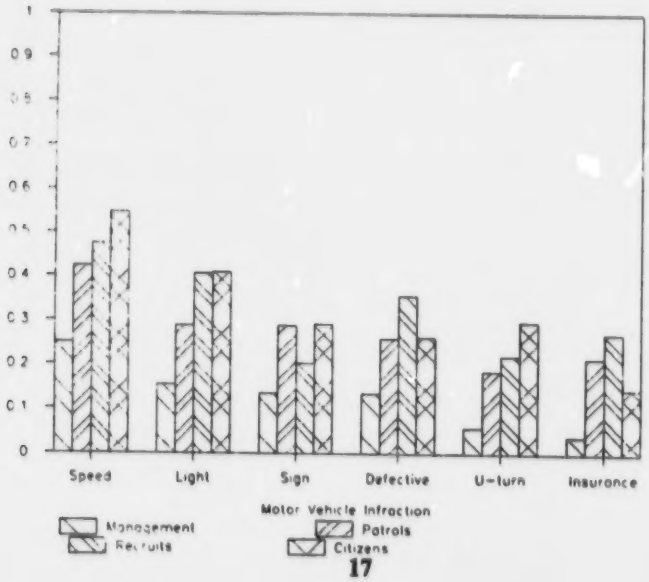
[27]Complete methodology and findings are presented in Appendix A.

A telephone survey and a two stage probability sampling method were used to select a sample of citizens randomly. A sample of 393 of the target population was taken. This method produced a 55 percent compliance rate with 36 percent of the citizens reached by telephone indicating they were disinterested and 8 percent were categorized as having a language or hearing problem.

The results of the opinion survey reveals that all four groups generally agree on the "type of offence" that justifies undertaking the risks involved in police pursuit. The type of offence consisted of four categories: motor vehicle infractions; minor criminal code offences; moderate criminal code offences; and serious criminal code offences.

Figure 6 shows the number of respondents in all four groups that supported police pursuit for the following motor vehicle infractions: speeding; failing to stop for a red light; failing to stop for a stop sign; driving with an expired insurance decal; defective muffler; and an illegal u-turn. The majority of respondents in all groups did not support police pursuit in order to apprehend the fleeing driver for all but one violation; the majority of the citizen group supported police pursuit for speeding. In fact, speeding received the most support from all groups ranging from 25 percent of the police management group supporting pursuit to 55 percent of the citizens. Failing to stop at a red light generated 15 percent support from the police management group rising to 41 percent from police recruits and citizens. The insurance decal received least support of all violations with only 4 percent of management indicating support to 27 percent of recruits.

Figure 6. **Proportion of Respondents Supporting Police Pursuit by Type of Motor Vehicle Infraction.**



As can be seen in Figure 7, all four groups showed little support for police pursuit for incidents involving possession of stolen property, possession of narcotics, fraud, prostitution, Liquor Act violations, theft under $1000, and warrant for non-payment of a fine. Warrant for non-payment of a fine generated the least support with only 4 percent of the police management group indicating police pursuit was necessary to apprehend the fleeing driver to 17 percent of the recruits. Theft of a motor vehicle received the most support by all four groups with 50 percent of police management to 85 percent of recruits supporting police pursuit. Escape custody was next, with responses ranging from 40 percent of the police management supporting pursuit to 86 percent of the recruits.

Figure 7. Proportion of Respondents Supporting Police Pursuit by Type of Minor Offence.

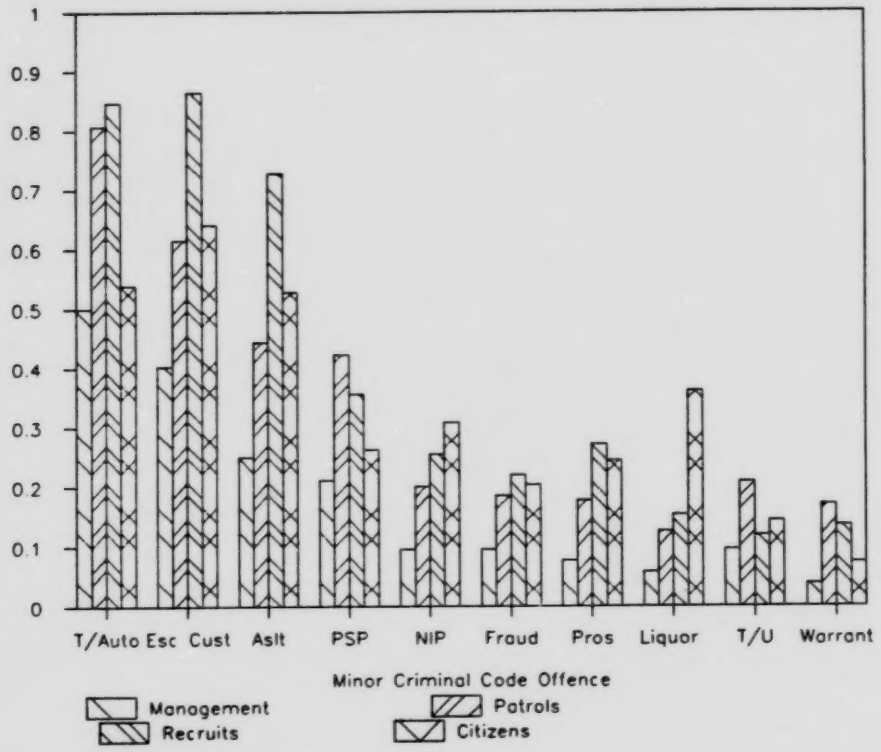


Figure 8 shows the responses for all four groups for the moderate criminal code offences: hit and run; confirmed possession of a dangerous weapon; suspected possession of a dangerous weapon; impaired driving; and trafficking in narcotics. The majority of the respondents in all four groups indicated support for police pursuit for almost all of the listed moderate criminal code offences; trafficking in narcotics received 17 percent support from the police management group to 52 percent from the citizens.

Respondents indicated support most for hit and run, followed by confirmed possession of a dangerous weapon, suspected possession of a dangerous weapon, and impaired driving. Responses ranged from 57 percent of the citizen group indicating support for police pursuit for impaired driving to 98 of the recruit group supporting police pursuit for confirmed possession of a dangerous weapon.

Figure 8. Proportion of Respondents Supporting Police Pursuit by Type of Moderate Offence.

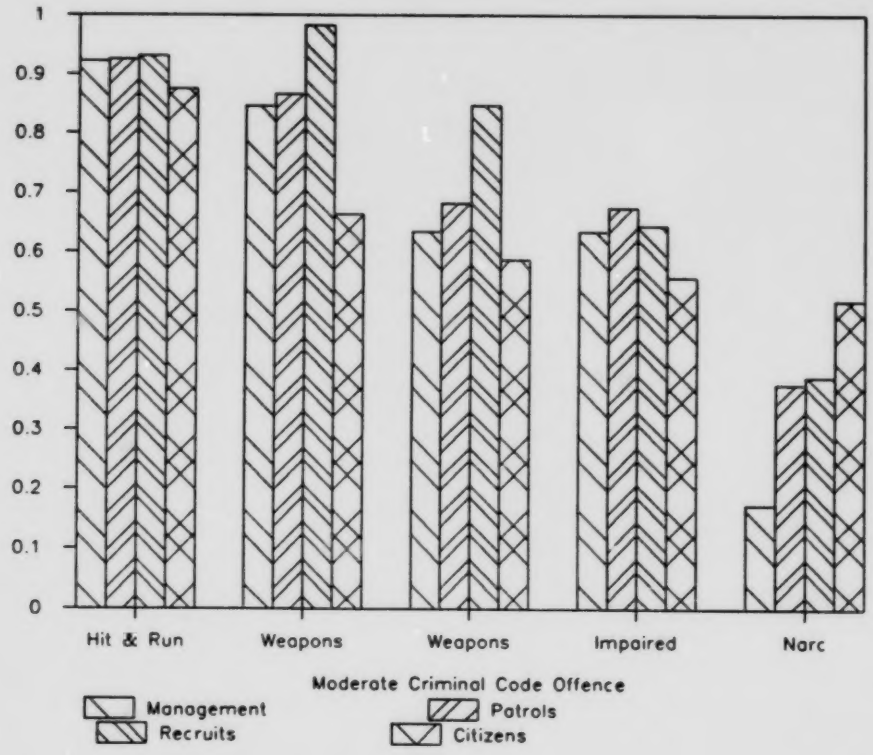


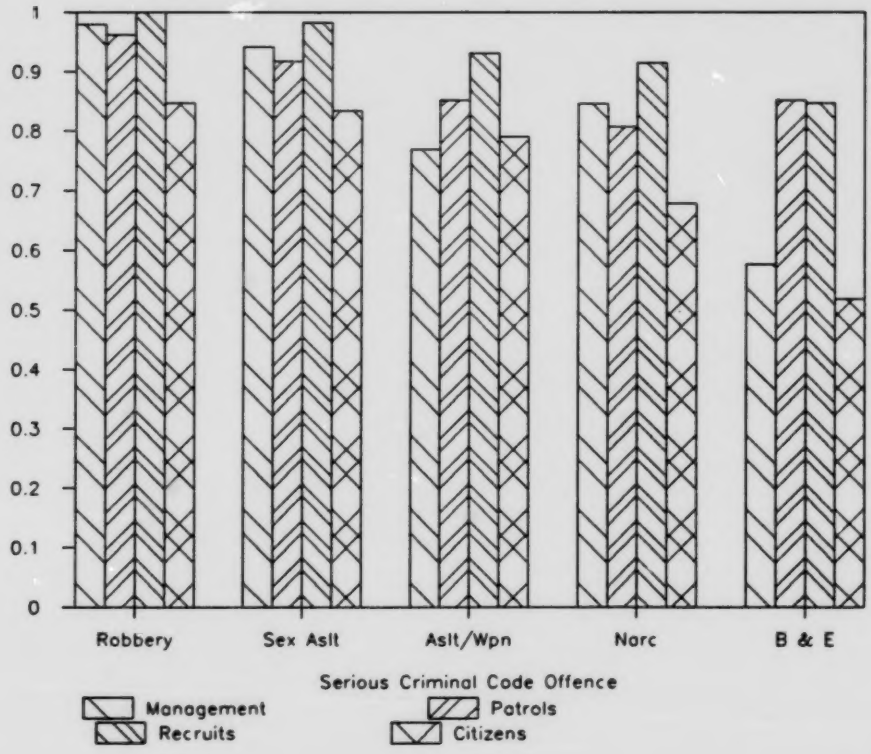
Figure 9 shows that the responses for all four groups varied little for the following serious criminal code offences: robbery; sexual assault; possible stabbing; trafficking in narcotics; and break and enter. Not less than 52 percent in all four groups supported police pursuit for apprehending a fleeing driver who has committed a serious criminal code offence, well above the support indicated for motor vehicle violations and minor criminal code offences.

As was mentioned earlier, the purpose of this survey was to determine the opinions of the police and the public relative to pursuit according to the seriousness of the offence. The data acquired from the opinion survey indicates two important conclusions worth investigation. First, the majority of the respondents

indicated little support for police pursuit for all Motor Vehicle Act infractions and six of the minor criminal code offences. This indicates that police officers are not supportive of pursuit for most motor vehicle violations or for minor crimes. Second, there was strong support for police pursuit by all four groups for the moderate and serious criminal code offences listed. Provided the risks do not outweigh the seriousness of the offense police officers have indicated they support pursuing a fleeing driver when the precipitating offence was known to be moderate or serious in nature.

These comparisons provide valuable information to police administrators for assessing and developing policy for pursuits. Currently, the mandatory weighting given to the offence is indeterminate and leaves most of the decision to pursue to the individual officer. The survey results can be used to give some content and formal guidance to replace terms like "reason to believe" and "lest the consequences be more serious than the offence" in the present guidelines. In addition, the survey results identify the areas in which the opinions of the citizens and the police officers are in accord. This is significant and cannot be overlooked.

Figure 9. Proportion of Respondents Supporting Police Pursuit by Type of Serious Offence.



4. DEBRIEFING

At the conclusion of a pursuit there are often many tasks to be done particularly if an accident has occurred. The department has, in fact, executed an emergency procedure, hopefully with success. The members primarily involved in the outcome have undergone a demanding, if not traumatic experience, and this is sometimes overlooked. Even when the outcome of the pursuit was successful and concluded without incident, the department nonetheless had been vulnerable all the while it was in progress. For two very good reasons, therefore, a debriefing of the incident should occur involving at the very least, the primary and back up unit, the supervisor, and the dispatcher. The supervisor should be alert for signs of post incident reaction on the part of the members involved.

Recommendation

It is recommended that all municipal police departments implement an incident debriefing procedure to take place with the primary participants after the conclusion of the police pursuit.

5. DATA COLLECTION- POLICE PURSUIT

Currently, all municipal police departments submit a yearly statistical report documenting the department's pursuit activities. The report includes: the number of pursuits for the year; the number of incidents where the identity of the driver and ownership of the vehicle was known before commencing the pursuit; the way in which a pursuit was terminated; the charges laid as a result of the pursuit; and the event(s) that precipitated the pursuit.

Reliable data is essential to the process of assessing police pursuit policy. Before researchers can establish the effectiveness of related policy and procedures, empirical and scientifically defensible data must be collected to provide a base for measurement. In establishing a system for documenting pursuit activity it is necessary to give clear and precise definitions for all categories for which data is recorded and these definitions should be used by all departments. To date, the annual reports by police departments do not stand up to the scientific requirements necessary for analysis and evaluation. Data collection requires enhancement in order to develop and assess policy . Several areas were identified for review in the reporting requirements.

First, a review of the departments' policies and procedures shows a number of general definitions for what constitutes a police pursuit. Although these definitions may be appropriate for procedures, they lack the specifications required for uniform recording. What constitutes an reportable incident? A pursuit of short duration, terminated by the only police officer involved (a decision often made on performance related calculations), may or may not be reported through channels. Unreported, the department's annual statistics on pursuit activity will be correspondingly lower. The extent to which such reporting does not occur results in (a) over representation of the overall accident rates for police pursuits, and (b) under representation of the extent to which motorists will flee when directed to do so by a police officer. There are various applications of emergency driving; attending a serious incident, closing on a motorist who is making no attempt to flee, and pursuing a vehicle the driver of which has revealed his intention to evade the police by refusing to stop. Incidents in the latter category should always be recorded regardless of duration.

Another variable where the data appears to be unreliable is the event precipitating the pursuit. Some departments are recording precipitating events and charges arising from the pursuit itself, while other departments are recording only the event that precipitated the pursuit. It is clear to see how this inconsistency makes it impossible to arrive at any conclusions about this variable. It is not possible to distinguish between the catalyst that started the pursuit and the subsequent offences committed by the

suspect while en route. Consequently a statement on the frequency of either category of event(s) is not possible.

Second, the data shows signs of considerable variability. The total for pursuits undertaken and for the way in which a pursuit was terminated should tally, but these figures vary significantly; for example, there are more beginnings than endings. For every pursuit, an explanation on how it was terminated should be recorded. Quality control and uniform and documented scoring rules for all predictable outcomes should reduce these variances.

Third, the annual pursuit reporting form reflects year to date totals for each of the activities involving pursuits. This method of collection limits the use of the data to frequency distributions and descriptions on the patterns of pursuit activities over time. For example, the data provides information such as "the total police pursuits have increased by 67 percent from 282 in 1985 to 472 in 1988"; or "...the ratio of collisions to pursuits has continuously risen from about 1:4 in 1985 to 1:2 pursuits ending in crashes in 1989". The data does not identify alternative strategies and policies aimed at reducing the number of hazardous pursuits.

By summarizing the data through substituting year to date totals for every incident report, valuable information is lost. It would benefit police agencies to examine accidents arising during a pursuit and the relationship among: the precipitating event, the way in which the pursuit terminated, the type of area, road conditions, and so on. This information could then be used to assess procedures and regulations and determine their effectiveness over time. In order to prepare the detailed yearly analysis, each pursuit should be recorded in an approved format by an officer in the primary unit. These forms should be collated appropriately.

Fourth, the provincial figures include reports from the twelve municipal police departments and the RCMP who have jurisdiction in the remaining areas of the province. In order to accurately reflect pursuit activity within the province, the RCMP and municipal police departments should utilize similar reporting requirements. Although municipal departments are imprecise in separating precipitating events from subsequent charges, the RCMP, on the other hand, to date, provide no data on either category. As a result the data for the province as a whole is incomplete. To draw conclusions on variables such as the precipitating event and subsequent charges are not possible.

Recommendation

It is recommended that (a) the format for statistical record keeping be reviewed and revised to ensure the collection of pursuit related data is uniform and thorough; (b) the municipal police departments report police pursuit related activities annually to the B.C. Police Commission; (c) an annual report be published by the B. C. Police Commission documenting pursuit related activities and any discernable trends; and (d) consideration be given to obtaining the participation of the RCMP in a province wide project of two or three year duration to collect and analyze pursuit related data to enhance further work and publication.

6. TRAINING

Initial and in service training should continue to place emphasis on the fact that pursuit driving is emergency driving with a different title. The protection afforded under the law is the same regardless of the precipitating emergency. Regardless of the manoeuvres the fleeing driver may perform, the police officer driving the pursuit vehicle cannot duplicate them if, to do so, it would require assuming a risk that is not reasonable or prudent. All recruits receive a total of seven days training in hazardous avoidance techniques in Blocks one and three and a further one day in each of blocks four and five. The Justice Institute receives no information on the driving history of candidates attending in service driver training courses. The local selection of these candidates warrants attention. Some attend because of a recent return to operational (driving) duties. Course content and selection criteria match well in those cases. Candidates selected because of accident records, however, are sent on the same course which is primarily pursuit oriented. It would be appropriate to send drivers in this category on a course that has more emphasis on hazard avoidance techniques and defensive driving in general.

The logistical demands on the available training site and staff made by recruit training (Blocks one to five) make it very difficult for any expansion of in service training beyond two courses a year. Regardless, the in service aspect of police driver training merits review. It has been held in the United States that a department's inability to obtain or provide training is immaterial when assessing liability (against the department) where crash and related damages are being assessed. A Canadian judge may consider a decision from the United States and, although it may have a persuasive effect it has no binding effect. This occurred in the case of *Attorney General of Ontario v. Keller*, where although the issues related to pursuits and not training, it does show that issues south of the border cannot be ignored.[28] It is interesting to note that the recent directive on pursuit policy issued by the Solicitor General of Ontario placed a requirement that "all officers who may be involved in pursuits be trained by January 1, 1991 in a course approved by the Ontario Police College."[29]

Recommendation

It is recommended that a study be undertaken to determine the in-service training requirements of the municipal departments and the feasibility of meeting those requirements.

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[28](1978) 23 O.R. (2d) 143. (Ont. C.A.) appealing from 19 O.R. (2d) 295 (Ont. H.C.).

[29]Police Pursuit Directive. Ministry Of the Solicitor General, Ontario. December 6, 1989.

7. ALTERNATIVE STRATEGIES TO APPREHEND OR DETER A FLEEING DRIVER

7.1 Community Resources

If minor violations are to be excluded from typical pursuit policies it should not be interpreted as an expression of community disinterest in their enforcement. On the contrary, community support does exist for the enforcement of traffic laws and minor crimes, but not at any cost. Alternate strategies to identify and subsequently locate a fleeing driver (in this category) should utilize any local initiative whereby additional eyes and ears can be alerted, for example, quickly relaying information to local cab companies and public transit via the communication section. This strategy would not be used on every occasion, perhaps only when requested by the pursuing officer or supervisor under special circumstances thought appropriate.

Recommendation

It is recommended that municipal police departments develop a "rapid relay" protocol, whereby when deemed appropriate, pursuit related information can be given out to local companies or agencies with radio networks.

7.2 Multi-Ministry Support

Various departments within the government have resources in place which could be used to provide information to the public on the consequences of failing to stop for police when signalled to do so, and what to do when an emergency vehicle is approaching. For example, the Insurance Corporation of British Columbia should fund the production of pamphlets, educational videos, advertising and media releases aimed at educating the public, particularly juveniles. Developing continued awareness and support for the safety oriented pursuit policies of the municipal police departments should be an on-going program.

Recommendation

It is recommended that educational initiatives be developed for the public in general and young drivers in particular focusing on (1) the consequences of failing to stop for a police officer when signalled to do so, (2) the requirement of all drivers when seeing or hearing the approach of any emergency vehicle, and (3) the development of community understanding and support for safety oriented pursuit

7.3 Prosecutorial Support

Successful prosecution of pursuit related charges under Section 92(1), Section 179 and 67(1) of the Motor Vehicle Act should receive priority. Of the 189 serving municipal police officers in British Columbia who took part in the opinion survey, over two-thirds were not satisfied with the current level of support shown by Crown counsel in prosecuting these charges. Cases presented should be complete in all aspects and reflect the current requirements for successful prosecution.

Recommendation

It is recommended that prosecutorial support for pursuit related charges be formalized through the offices of the Attorney General, and case preparation procedures be enhanced through an information release provided by Crown counsel and to municipal police departments.

7.4 Aerial Surveillance

The use of helicopters or aircraft is not thought a feasible alternative at this time as far as general policing duties are concerned. For stake outs, though, especially where high risk suspects are believed to be involved, if time and circumstances permit the expense, aerial surveillance could well provide a worthwhile response capability that could reduce the need for high speed tracking or pursuit.

Recommendation

It is recommended that the B.C. Police Commission initiate a study to determine the extent to which aerial surveillance is used in operational policing for (1) traffic control enforcement and (2) surveillance of criminal targets.

7.5 Video Cameras

Conventional cameras mounted in cars have not been considered practical up to this time. Video cameras, however, now appear to be gaining greater acceptance. In South Georgia, for example, highway patrol officers automatically activate an on board forward facing video camera when the emergency equipment is switched on. Chases, vehicle checks, person checks, and so on are recorded on film. The film is allowed as evidence in court because the camera is used on each and every occasion.

7.6 Still Cameras

Cameras mounted at intersections on a highway for enforcement purposes are an operational reality although few in number. If this process survives legal challenges and proves a feasible, cost effective method of identifying offenders the process could be expanded. This could result in a fleeing driver being captured on film. If the program expands successfully the likelihood of an enforcement camera being present on an arterial route will increase accordingly.

Recommendation

It is recommended that the B.C. Police Commission monitor the progress of camera related traffic law enforcement in Canada including the outcome of legal challenges to the procedure.

7.7 Roadblocks

Setting a roadblock may initially seem like a good way to bring a pursuit to a safe conclusion. But to quote that well known song, "It Ain't Necessarily So". It is a strategy that has several built in hazards for the police officers, the public, and the fleeing driver.

First the police officer. A suitable, safe time frame has to be allowed when preparing a road block. This is important. An officer who is positioning a vehicle in a road block can become a victim of the suspect's attempt to crash through it. Police work is not without hazard. Risk of injury is not accepted voluntarily and a police officer is not barred from seeking redress. There is a requirement, though, to take reasonable care of personal safety. In *Hambley v. Shepley* a police officer attempted to set up a roadblock using a police cruiser as part of the barrier and in doing so the suspect vehicle collided with the car.[30] The police officer sued successfully for damages.

Positioning the roadblock is extremely important. Innocent vehicles have to be given ample opportunity to stop safely and get out of the way of the approach of a fast moving (suspect) vehicle. The suspect driver also has to be given a reasonable chance to stop in safety. The positioning of the blockade has to allow for this even if the approach speed of the driver is criminally negligent. For example, if an ideal position is found 150 yards down from the brow of a hill, a vehicle approaching at 50 mph would be

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[30](1967) 63 D.L.R. (2d) 94.

able to stop before hitting a barrier. But if the approach speed is 100 mph, then a fleeing driver must be allowed more than a few seconds to gauge the probable efficiency of a well constructed blockade. The lawyer retained by a deceased's family would take a lot longer in assessing the merits of the strategy and no doubt would place a strong case before the courts.

Recommendation

It is recommended that the guidelines require that the timing and placement of any roadblock be subject to the prior approval of the duty supervisor, and that strategic locations be identified regarding the positioning of roadblocks predetermined as to minimize the risk involved.

7.8 Hollow Spike Strips

Hollow spike strips were developed by the Defence Research Establishment Suffield (D.R.E.S.) as a safe and effective vehicle stopping device. The strips consist of two rows of hollow spikes inserted in four ply woven rubber belting with segmented metal back plating. The spikes are case hardened, the tips of which are ground to a fifteen degree angle and then teflon coated to allow easy penetration of tires. The strips are unrolled across a highway in the path of the suspect's vehicle, and when the vehicle passes over the spikes, they penetrate the front tires, break loose from the belt and cause the tires to deflate.[31]

Hollow spike strips are not prohibited for use in some jurisdictions, for example, Ontario, Manitoba, Calgary, and "E" Division RCMP in B.C. Spike strips are effective for disabling a suspect in comparative safety providing the vehicle targeted is not a motorcycle or three wheeled motor vehicle. Improperly used they can be a hazard. Operational guidelines governing their use are necessary as spike strips are not addressed in the current guidelines.

Recommendation

It is recommended that the guidelines (1) authorize the use of spike belts to stop a fleeing vehicle only when directed by the duty supervisor (2) prohibit the use of spike belts stop motorcycles, three-wheeled vehicles or similar light vehicles whose stability may be affected thereby.

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[31]Ministry of Attorney General Memo, British Columbia. December 1984.

7.9 Boxing-in

One method of getting a suspect vehicle to stop is sometimes referred to as "boxing-in". This is accomplished by placing a police car in front and a second police car along side the suspect vehicle and then slowing down, forcing the suspect driver to do the same. That's the theory. The literature reviewed was divided on the merits of this practice, so much so, that it is thought inadvisable to make any recommendation other than it should not be attempted unless specifically authorized by the duty supervisor.

7.10 Ramming

It is rarely advisable to ram a fleeing vehicle. In *Priestman v. Colangelo* the suspect driver was disabled by a shot fired from the pursuing police vehicle.[32] The suspect car went out of control and killed two people waiting at a bus stop. If a car or driver is disabled by a police officer the police department could be liable for the aftermath caused by the path of the car until it comes to rest. A complete ban on ramming could be supported because of the danger inherent in the practice. However, because such a ban may prove overly restrictive in rare cases, it is proposed that the guidelines allow "ramming" in the same circumstances as "boxing-in". Individual police departments may choose to prohibit the practice.

Recommendation

It is recommended that the guidelines prohibit "boxing-in" and "ramming" of a suspect vehicle without prior authorization from the duty supervisor and that such authorization be given only when there are no other means of stopping the vehicle.

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[32][1959] 19 D.L.R. (2d) 1.

8. REVIEW OF CURRENT GUIDELINES

What follows is a review of the current guidelines. Each section is looked at and commented on separately.

B.C. Police Commission Guidelines

1. (a) *It is the time honoured responsibility of police officers to preserve the peace, prevent robberies and other crimes and offences, and to apprehend offenders.*

Comment (1)

The police officer's duties include the protection of life, the preservation of the peace, the prevention and detection of crime and the prosecution of offenders. The isolated reference to robbery appears out of place.

Comment (2)

The legal requirement of the police officer to enforce the law could be stated in any guideline or departmental regulation. Reference can be made to the B.C. Police Act, Police Officer's Oath of Office, and B.C. Motor Vehicle Act.

B.C. Police Commission Guidelines (Continued)

1. (b) *The prohibition of high speed pursuit by police would give criminals a license to drive at high speed without fear of apprehension. It would also create for the officer a convenient excuse for not carrying out his duty, with consequent lowering of morale. Most police officers do not relish high speed pursuit.*

(c) *In any event the imposition of a speed limit which an officer should not exceed, would be impractical due to traffic and road conditions.*

(d) *It is not usual that the police officer will in advance of the pursuit know the offence which occasions the attempt of the driver of the high speed vehicle to escape. Many criminals are apprehended because an alert police officer has his suspicions aroused by high speed or irregular driving.*

(e) *To allow high speed offenders to proceed with impunity, may and has occasioned death and injury to members of the public, which might have been prevented and the offender apprehended, if a high speed pursuit had been instituted.*

(f) *In some cases high speed on the part of the fleeing driver may be irrational conduct, which is not related to a serious crime or misdemeanour, on his part, or it may be occasioned by a spirit of bravado in which the driver seeks to prove he can outdistance the police.*

Comment (1)

Sections 1 (b) to 1 (f) were, no doubt, intended to demonstrate understanding of the complexity of the problem. To put forward points for discussion, some of which are speculative at best, contributes

nothing by way of which a police officer can take as direction. For example, as in 1 (b) above "It would also create for the officer a convenient excuse for not carrying out his duty, with consequent lowering of morale." This may well have been a suitable approach in the early 1980's when they were first formulated, but not now.

Comment (2)

It was thought that section one of the guidelines was lacking a definition of a police pursuit. Currently, there are several definitions in use. For example, Saanich and New Westminster Police Departments use the definition "A high speed police pursuit occurs when an attempt is made to apprehend the driver of a motor vehicle and the driver is resisting apprehension by maintaining or increasing speed or by ignoring the officer's attempt to stop the vehicle."[33] West Vancouver Police Department defines a police pursuit as "A police pursuit commences when a suspect clearly exhibits the intention of avoiding apprehension by using a vehicle to flee."[34]

By a definition it is meant a uniform description of the event or when it will be considered that such an event is occurring, this as opposed to a legal definition. Something simple is suggested, such as the following:

> A police pursuit occurs when the driver of a vehicle clearly demonstrates his/her intention to evade the police and a police officer attempts to prevent this using a police vehicle to do so.

B.C. Police Commission Guidelines (continued)

2. (a) *Where the officer has reason to believe that the offending driver is guilty of a minor offence and seeks to escape the consequences thereof by driving at high speeds, he, the officer should pursue with excessive caution lest the consequences be more serious than the offence.*

Comment (1)

This is intended to set the tone for the overall philosophy to be brought to mind when a police officer is contemplating or actually engaged in a police pursuit. However, as a guideline this provides little of substance and little guidance. Granted, guidelines are on more of a conceptual plane than a rule or procedure. Nonetheless, the wording should provide better defined parameters for operation than as shown in 2 (a) above.

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[33]Saanich Police Department, Operations Manual.

[34]West Vancouver Police Department, Operations Manual

The discussion in section two of this report showed the importance of the nature of the offence committed by the driver. The survey results showed consistent low support for police pursuits for minor offences.

Recommendation

It is recommended that the guidelines prohibit a police pursuit being undertaken for minor violations or for reasons of suspicions attributable only to the driver's failing to stop as requested.

B.C. Police Commission Guidelines (continued)

2. (b) *Where the officer's vehicle is equipped with warning lights and sirens these must normally be used in order that the members of the public using the highways may be warned that a police pursuit is in progress, and may therefore take precautions for their own safety.*

Comment (1)

Section 118 of the Motor Vehicle Act at subsection 2 (c) states:

> a peace officer engaged in a police duty of a nature that the sounding of a signal bell, siren or exhaust whistle would unduly hamper the performance of that duty, in which case he may exercise the privileges granted by subsection (1) by showing a red flashing light only.[35]

This provision is operationally used when attending at situations where it is important not to alert a possible suspect that police presence is imminent. It is thought not to be appropriate to any police pursuit. Indeed this point is referred to in *A.G. Ont. and Banbury and Thomas v. Omer and Laurette Castilloux* where the decision not to utilize emergency equipment was held to be negligent and the plaintiff officer was precluded from recovering damages.[36] In *Andani Estate v. Peel Regional* the police officer was found 100 percent liable in the pursuit of a distant traffic violator where a double fatality resulted and delayed activation of emergency equipment was a factor.[37] The optional use of warning lights and sirens as in section 2(b) should be deleted.

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[35]Motor Vehicle Act, R.S.B.C. 1984, c.288.

[36]Unreported case, Ont. H.C., 1976 referred to in A.G. Ont. v Keller, (1978) 19 O.R. (2d) 695 at 703.

[37]Unreported [1989] O.J. 625. (Ont. H.C.).

The use of emergency equipment at all times when a police vehicle is placed in an extra ordinary position on the highway is a sound strategy. This applies regardless of whether a chase has been or is involved, for example at a roadblock or at the termination point. Unusual positioning of any police vehicle should be clearly signalled by the use of emergency lights. In *Shields et al. v. Lunn* a non pursuit related incident, two police officers sued, with success, a motorist who collided with their stationary police vehicle positioned at the roadside with emergency lights in operation.[38]

B.C. Police Commission Guidelines (continued)

2.(c) *The officer in pursuit should where possible be in communication with his superior officer for instructions, even if a superior officer cannot be reached, the officer should, where possible, institute through his station, a CPIC and motor vehicle check of the vehicle pursued with a view to increasing the information upon which his judgment will be based.*

(d) *Through his station the assistance of other police should be sought, so that if deemed practical other action may be taken such as setting up roadblocks. It should be noted that the above does not relieve the officer in pursuit of his duty to pursue the vehicle proceeding at high speed, unless a superior officer has so instructed, because the placing of road blocks requires constant information as to the location and direction of the fleeing vehicle.*

Comment (1)

The role of the supervisor is less than clear. There should be responsibilities defined for the supervisor as well as the dispatcher, particularly where the use of CPIC and notification to other channels, and other police jurisdictions etc, are an operational requirement.

Recommendation

It is recommended that the guidelines classify a police pursuit as an emergency and be the subject of an immediate broadcast by the primary unit.

Recommendation

It is recommended that the guidelines prescribe specific tasks for the duty supervisor which include controlling the assignment of authorized units to the pursuit, devising or authorizing alternate strategies, and taking overall control of the incident until its conclusion.

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[38](1987) 82 N.S.R. (2d) 216. (N.S.S.C.).

Recommendation

It is recommended that the guidelines prescribe specific tasks for the dispatcher which include maintaining priority for all radio transmissions relating to the pursuit, expeditiously obtaining information available from C.P.I.C. and registered owner files, and advising neighbouring jurisdictions of the pursuit's proximity.

Comment (2)

The reference in 2 (d) to the officer not being relieved of his duty to pursue the vehicle even though a road block is being planned is probably no longer compatible with the current philosophy of discontinuation as soon as possible.

B.C. Police Commission Guidelines (continued)

2. General

> *It is obvious the decision as to whether or not to engage in a high speed pursuit is a judgment call. The officer must consider traffic and road conditions and all other information which will balance the risks of the pursuits as against the obligation to apprehend the offender. The decision of the officer may change during the course of the pursuit as a result of additional information or orders received.*
>
> *The obligation of each force is to ensure that each officer on the force is aware of his obligations and the factors which he should consider in making his decision in respect to a high speed pursuit so that the excitement of the occasion does not lead him to excesses which are unwarranted, and that his judgment as to proper procedure will be rational and sound.*

Comment (1)

These sections are useful background information but provide no specific direction to the police officer having to make a decision. The first section refers indirectly to some of the provisions and requirements of Section 118 of the Motor Vehicle Act which should already be known to the police officer.
The assessment and management of the risk of the police pursuit is a key ingredient to the whole process. This has been clearly stated by the courts. While it is accepted that the performance of police duties cannot be entirely without risk, there is an unavoidable obligation on the police service to see that the risks are minimized. The factors that effect the risk and the appropriateness of terminating the pursuit should be included in the guidelines.

Recommendation

It is recommended that the guidelines emphasize (a) the appropriateness of a decision to discontinue a pursuit at any time; (b) that the member(s) in the primary unit may discontinue a police pursuit notwithstanding the contrary directions of a superior officer; and (c) that the decision to terminate a police pursuit shall not be subject to criticism or disciplinary action by the department or a member's superior officer.

In view of the changes to the guidelines that were thought to be appropriate, a complete new set of guidelines is recommended. The foregoing discussion and recommendations are incorporated in the proposed set of guidelines contained in section nine.

9. SUMMARY OF RECOMMENDATIONS

Proposed New Guidelines

1. It is recommended that the British Columbia Police Commission replace the current police pursuit guidelines approved by the Attorney General in 1982 with new guidelines. Municipal police boards shall make through Section 28 of the B.C. Police Act, rules not inconsistent with these guidelines and, if it so chooses, impose additional restrictions on police pursuit activities.

Definition

A police pursuit occurs when the driver of a vehicle clearly demonstrates his/her intention to evade the police and a police officer attempts to prevent this using a police vehicle to do so.

General

1. (a) Public safety is the paramount consideration in any decision to initiate, to continue, or to discontinue a police pursuit.

(b) Public safety represents a balance which may change rapidly and must be continually assessed.

(c) A police pursuit shall be initiated and continued only as a measure of last resort, when the seriousness of the offence and the necessity of immediate apprehension are judged to outweigh the level of danger created by the pursuit.

Factors to Consider

2. In assessing whether to initiate, to continue, or to discontinue a police pursuit, the police officer, supervisor or any other authorized person monitoring the police pursuit must continually assess the following factors and how they influence the effect of a police pursuit on the balance of public safety:

(a) the nature of the suspected or known offence;

(b) the availability of other methods of apprehension;

(c) whether the driver can be identified and apprehended at some later time;

(d) the manner in which the driver is operating his or her vehicle;

(e) *the length of time or distance involved in the pursuit;*

(f) *the nature and apparent condition of the vehicles involved in the pursuit;*

(g) *the weather and road conditions;*

(h) *the volume of pedestrian or vehicle traffic that is or might reasonably be expected in the area; and*

(i) *the effectiveness of communications.*

Restrictions

3. *A police pursuit shall not be undertaken:*

(a) *when there are non-police passengers in the police vehicle;*

(b) *for minor violations or for reasons of suspicions attributable only to the driver's failing to stop as requested;*

(c) *when the pursuit would present an immediate and clear danger to the officer and/or users of the roadway, including pedestrians;*

(d) *when the subject's identity has been established and there is no need for immediate apprehension;*

(e) *by a police vehicle not equipped with operational warning lights and sirens;*

(f) *without activating the use of emergency equipment including sirens and lights.*

4. *If a police pursuit is undertaken:*

(a) *the duty supervisor is to control the assignment of authorized units to the pursuit, devising or authorizing alternate strategies, and taking overall control of the incident until its conclusion.*

(b) *only marked police vehicles shall participate in a pursuit unless exceptional circumstances exist;*

(c) *any unmarked police vehicle that participates in a pursuit under exceptional circumstances shall be*

relieved by a marked police vehicle as soon as possible;

(d) *no more than three police vehicles, including the primary unit, support unit, and specialist resource unit may participate in a pursuit unless the members assigned are obviously at risk due to the circumstances known about the particular incident;*

(e) *the suspect vehicle shall not be "boxed-in" or "rammed" without prior authorization from the duty supervisor and then only when there are no other means of stopping the vehicle;*

(f) *the timing and placement of any roadblock shall be subject to prior approval by the duty supervisor;*

(g) *spike belts may be used to stop a fleeing vehicle only when directed by the duty supervisor and shall not be used to stop motorcycles, three-wheeled vehicles or similar light vehicles whose stability may be affected thereby.*

Communications

5. *(a)* *A police pursuit shall be classified as an emergency and shall be the subject of an immediate broadcast by the primary unit.*

(b) *The dispatcher is to maintain priority for all radio transmissions relating to the pursuit, expeditiously obtaining information available from C.P.I.C. and registered owner files, and advising neighbouring jurisdictions of the pursuit's proximity.*

Discontinuation

6. *(a)* *A police pursuit may be discontinued at any time.*

(b) *The member(s) in the primary unit may discontinue a police pursuit notwithstanding the contrary directions of a superior officer.*

(c) *The decision to terminate a police pursuit shall not be subject to criticism or disciplinary action by the department or a member's superior officer.*

Rapid Relay Protocol

2. It is recommended that municipal police departments develop a "rapid relay" protocol, whereby when deemed appropriate, pursuit related information can be given out to local companies or agencies with radio networks.

Incident Debriefing

3. It is recommended that all municipal police departments implement an incident debriefing procedure to take place with the primary participants after the conclusion of a police pursuit.

Improved Data Collection and Analysis

4. It is recommended that the format for statistical record keeping be reviewed and revised to ensure the collection of pursuit related data is uniform and thorough.

5. It is recommended that municipal police departments report police pursuit related activities annually to the British Columbia Police Commission in the revised format.

6. It is recommended that an annual report be published by the British Columbia Police Commission documenting police pursuit related activities and discernable trends.

7. It is recommended that consideration be given to obtaining the participation of the RCMP in a province wide project of two or three years duration to collect and analyze pursuit related data to enhance further work and publication.

Training

8. It is recommended that a study be undertaken to determine the in-service training requirements of the municipal departments and the feasibility of meeting those requirements.

Alternative Strategies

9. It is recommended that the British Columbia Police Commission initiate a study to determine the extent to which aerial surveillance is used in operational policing for (1) traffic control enforcement and (2) surveillance of criminal targets.

10. It is recommended that the British Columbia Police Commission monitor the progress of camera related traffic law enforcement in Canada including the outcome of legal challenges to the procedure.

Inter-ministerial Support

11. It is recommended that prosecutorial support for pursuit related charges be formalized through the offices of the Attorney General, and case preparation procedures be enhanced through an information release provided by Crown counsel to municipal police departments.

12. **It is recommended that educational initiatives be developed for the public in general and young drivers in particular focusing on (1) the consequences of failing to stop for a police officer when signalled to do so, (2) the requirement of all drivers when seeing or hearing the approach of any emergency vehicle, and (3) the development of community understanding and support for safety oriented police pursuit policies in municipal police departments.**

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APPENDIX "A"

POLICE PURSUIT SURVEY

POLICE PURSUIT STUDY

I. INTRODUCTION

As part of the process of reviewing current police vehicle pursuit guidelines, the British Columbia Police Commission conducted a study to examine the opinions of police management, patrol officers, recruit officers, and citizens. For the purposes of this study a pursuit was defined as "a high speed chase occurs when the driver of a vehicle clearly demonstrates his or her intention to evade the police using a vehicle to flee."

Before a pursuit commences, there are several events that must occur. First, the driver of a vehicle commits a violation or an offence that, in the police officer's opinion, justifies intervention. Next, the officer has indicated to the offending driver by way of flashing lights or siren, or both, that the vehicle is to pull over and stop. Then, the offending driver becomes aware of the police vehicle ordering him or her to stop and chooses to ignore this order. And finally, the officer must decide whether a pursuit should be undertaken.

This decision is based on several factors: vehicular and pedestrian traffic, road and weather conditions, age of the driver, passengers in the vehicle, performance capabilities of the police vehicle, whether the identity of the vehicle or suspect has been established, and seriousness of the offence. All of these factors are assessed relative to the risks inherent to pursuits such as injury to themselves, injury to innocent parties, injury to the driver or occupants of the offending vehicle, and damage to property.

Currently, essentially any type of offence can result in a police pursuit. As mention earlier, this reason factor is frequently challenged in pursuit related litigation. The current guideline states:

> Where the officer has reason to believe that the offending driver is guilty of a minor offence and seeks to escape the consequences thereof by driving at high speeds, he, the officer should pursue with excessive caution lest the consequences be more serious than the offence.[1]

The reference made to this aspect of pursuits is vague and leaves most of the decision making to the officer. In fact, the Solicitor General of Ontario attempted to give content and practical guidance in this

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[1]B.C. Police Commission Guidelines, Ministry of Attorney General. 1982.

area in a recent directive issued in December 1989. "They may be undertaken in non-criminal situations only for the purpose of identifying the vehicle at which point the pursuit must then be discontinued."[2]

The purpose of this study is to focus on the area of the seriousness of the offence as a variable to be considered when deciding whether or not to initiate a pursuit. The objectives of the study are:

1. to determine if there is consensus between the groups surveyed on the "type of offence" that supports the decision to commence a pursuit. In this context "offence" includes minor to serious traffic violations and minor to serious criminal offences.

2. to determine whether the current British Columbia guidelines need amending with respect to the above objective.

II. METHODOLOGY

On March 1, 1990, the British Columbia Police Commission was granted approval at a meeting of the British Columbia Association of Chiefs to Police to conduct a survey and gather information from serving police officers on high speed chases. This survey was to be conducted in combination with identical surveys to determine police managements' and citizens' opinions on subject. The surveys took place during the period March 9 through March 21, 1990. The following section provides a description of the target populations, sample selection, data collection forms, and sample sizes and response rates.

Population

Currently in B. C., municipalities with a population over 5000 provide policing through a municipal police force (Section 15(1) of the Police Act) or by entering into a contract with the Solicitor General under which policing is provided by the RCMP (Section 16). The pursuit guidelines, which are being reviewed, pertain to the 12 municipal police forces. As the study is concerned primarily with this group, data was acquired from the following four target populations:

(1) all patrol officers (probationary constable to staff sergeant) currently employed by the 12 municipal police departments in B.C.;

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[2]Police Pursuit Directive, Ministry Of the Solicitor General, Ontario. December, 1989.

(2) all inspectors to chief constables currently employed by the 12 police departments in B.C;

(3) all officers presently enrolled in recruit training at the B.C. Police Academy; and

(4) all citizens residing in the Lower Mainland and Capital Regional District. With the exception of the Nelson Police Department, all municipal police departments are located in these areas.[3]

Sample Selection

The sample of patrol officers from the 12 municipal police departments was selected using a cluster sampling technique. This involved the selection of a particular day of the week, in this case Wednesday, and a specific patrol shift, in this case day shift. Then every individual within this cluster from the 12 departments were asked to complete the survey. The questionnaire was distributed and collected by selected individuals within each department.

The decision to cluster sample was based on the following factors: (1) this technique would provide a representative sample of the population; (2) because of the nature of the organization, conducting the survey to a group of officers at one time was a practical and compatible method to gather data; and (3) this technique would not be unnecessarily disruptive to on-going police operations.

Because of the logistics of assembling all police management, a mail survey was distributed to all individuals in this group. A complete list of all inspectors to chief constables was compiled and all individuals listed were sent a cover letter stating the purpose of the survey, the time frame of the project, and the value of their input.[4] In addition, a pre-addressed envelope and a survey was enclosed. All individuals within this group were asked to participate because of the small population size and the expected low response rate characteristic of a mail survey.

Similarly, the entire population of police officers currently in recruit training were sampled. Recruit training consists of three blocks, referred to as Blocks I, II, and III. Block I is a 10 week introductory course to policing. Block II is an eight to ten week period of field training. Upon completing Block II, the officer returns to the police academy for a further ten weeks of theory and law, referred to as Block III. The course facilitators for Blocks I and III distributed the survey to the course participants

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[3]A complete list of all the municipalities involved is presented in Part B, page 1.

[4]Cover letter is presented in Part B, page 2.

Wednesday morning, the same morning the patrol officers were asked to complete the survey. Again, because of the small population size all individuals within this group were asked to participate.

A telephone survey and a two stage probability sampling method were used to select a sample of citizens randomly. The first stage was the selection of the household using random digit dialling[5]; and the second stage consisted of selecting an individual, 16 years older from the selected household. Prior to conducting the telephone survey, all police departments and RCMP detachments in the Lower Mainland and Capital Regional District were notified of the survey and the possibility of citizens calling their department to verify the legitimacy of the survey and the caller.

Data Collection Forms

The data for this study was collected using a questionnaire form[6]. The forms were identical except for the statement preceding the list of possible events observed by a police officer that may prompt intervention. This statement was modified for each group to facilitate the presentation of the question being asked. For example, serving patrol officers were asked "would you initiate a high speed chase of a vehicle when...". The citizen group was asked "should police chase another vehicle at high speed when...". And the police management group was asked "do you believe the risks of undertaking a high speed pursuit are necessary when...". In addition, the questionnaire form for the citizen group contained a preamble introducing the interviewer, the purpose of the survey, and the steps to identify and talk to the qualifying respondent.

The questionnaire form was designed to examine to what extent, if any, the four groups agreed or disagreed on whether police should undertake the risk of a pursuit given a specific "type of offence" was known by the officer. The "type of offence" ranged from minor to serious motor vehicle violations and minor to serious criminal offences. It was critical that the description of the offence was clear and interpreted in the same way by all individuals in the four groups. The questionnaire listed 26 possible offences that a police officer may encounter before commencing a police chase. The respondents were asked to indicate whether or not they would or would not agree that a high speed chase by a police vehicle should be undertaken.

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[5]A technique whereby telephone numbers are created at random. Once the prefixes of the area being sampled is determined, the first five digits are selected from pre-listed telephone numbers. The final two digits are selected using a random number table. This method was used to reduce the probability factor of non-working numbers.

[6]Copy of questionnaire forms are presented in Part B, pages 3 to 10.

Sample Sizes and Response Rates

Completed questionnaires were received from all 59 individuals currently in recruit training and all 135 patrol officers in the selected cluster groups. The cluster groups represented approximately 10 percent of the total population. Of the 59 police management group that were sent a questionnaire, 91 percent (N=54) completed and returned the survey form.

The determination of the sample size of 400 for the citizen group was based on a 95 percent confidence level with a plus or minus five percent reliability limit (Hill, 1962). In order to complete the 393 questionnaires, an initial list of 1200 telephone number was compiled using a systematic random sampling technique. This number was based on the expected proportion of 30 percent of the telephone number generated not reaching a residence. Of the 720 citizens reached by telephone, 324 refused or were not able to participate in the study giving a non-compliance rate of 45 percent (259 were defined as disinterested or busy, 58 due to language or hearing problems, 3 due to illness, and 4 qualifying respondents were away during the data collection phase).[7] The sample of respondents was evenly divided between females (52%) and males (48%) indicating that the gender mix was representative of the population as a whole.[8]

III. RESULTS

Before the results can be discussed it should be mentioned that a small number of the patrol officer group (6 of 135) and the police management group (6 of 53) indicated on their survey forms that they felt the questions on the survey were restrictive. They indicated that their decision to pursue would not be based on the "type of offence" alone; they would also have to consider other factors such as weather, road, and traffic conditions. However, once they made this clear, all but two respondents proceeded to answer the questionnaire.[9]

The possibility that serving police officers might have felt restricted with the construction of the questions was considered prior to conducting the survey. The purpose of stating the question in this manner

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[7]Results of the dialling are listed in Part B, page 11.

[8]1986 Census, most recent census.

[9]54 out of 59 police executives returned their form, however, N=52 for police executives will be used for the percent distributions.

was to attempt to determine whether the dependent variable "type of offence" should be given preference and/or separate consideration in the decision to chase a driver who is evading apprehension. Further, the identical survey was to be asked to the public at large to determine if there were any similarities between the groups and public support of police pursuit. The general public would not be familiar with departmental policy and procedures, and training requirements regarding police pursuit. To present this survey to the public as an operational question and introduce additional variables such as weather, road and traffic conditions would be confusing. Therefore at the risk of the possibility of obtaining a small sample size, it was decided to formulate the questions to include only the "type of offence". The above average response rates for all four groups indicated that this was not a problem.

Descriptive Findings

1. Motor Vehicle Violations

Six cases concerning motor vehicle violations were presented to the four groups, (1) police management, (2) patrol officers, (3) recruit officers, and (4) citizens. The respondents were asked to indicate whether a police officer should pursue a violator who has been signalled to stop and then clearly demonstrates his or her intention to evade the police, given the following violation was observed:

(1) The driver has gone through police radar at 80 kph in a 50 kph zone.
(2) The driver has passed a red light without stopping.
(3) The driver has passed a stop sign without stopping.
(4) The driver has an expired insurance decal.
(5) The driver has failed to stop for a routine vehicle check for a defective muffler.
(6) The driver has made a u-turn on a busy highway.

The results clearly show that police management were the least likely group to support a pursuit for all six motor vehicle violations (see Table 1). The figures indicate that support for high speed pursuits by police management ranged from about four percent for an "expired insurance decal" violation to 25 percent for a "speeding" violation. All four groups supported police pursuit most for "speeding" and "failing to stop at a red light". Opinions ranged from 16 percent of police management indicating that "failing to stop at a red light" supports the risk of undertaking a pursuit to over one half (55%) of citizens supporting police pursuit for "speeding".

Table 1. Proportion Of Respondents Supporting Police Pursuit By Type of Motor Vehicle Infraction.

Motor Vehicle Infraction	*Management*	*Patrol*	*Recruits*	*Citizens*
	N=52	*N=135*	*N=59*	*N=393*
Speeding	25%	42%	47%	55%
Red Light	15%	29%	41%	41%
Stop Sign	13%	29%	20%	29%
Defective Muffler	13%	26%	36%	26%
U-Turn	6%	19%	22%	30%
Expired Insurance	4%	21%	27%	15%

On the other hand, as can be seen in Table 1, there was little support for police pursuit for an "expired insurance decal" violation by all four groups. Support for police pursuit ranged from four percent of police management to 27 percent of recruits. Also, support for the "u-turn" violation was minimal; only 6 percent of police management, 19 percent of patrol officers, 22 percent of recruits, and 30 percent of citizens indicated they would support a police pursuit.

For the violation of a "defective muffler", slightly over one-quarter of the citizens (27%) and patrols (27%) and 36 percent of the recruits supported police pursuits, while 14 percent of police management indicated support. Similarly, 14 percent of the police management supported pursuits for "failing to stop at a stop sign", while 29 percent of patrols and 30 percent of the public indicated support for police pursuit and 20 percent of recruits indicated they would initiate a pursuit (see Table 1).

Although it may appear that the responses for the four groups varied considerably with respect to motor vehicle infractions (figures ranged from a low of 4% to 55%) in fact, the figures indicate a general consensus between the groups. With the exception of 55 percent of the public indicating support for police pursuing violators for "speeding", in all other instances, the majority of all four groups indicated they did not support or feel it was necessary to undertake the risk inherent to pursuits in order to apprehend the violator.

2. Minor Criminal Code Offences

Ten cases were presented to the four groups (1) police management, (2) patrols, (3) recruits, and (4) citizens. The following incidents describe minor criminal code offences known to the police officer before commencing a pursuit:

(1) The driver has a confirmed stolen car and is carrying passengers.
(2) The driver has broken away from police after being arrested in a street fight.
(3) The driver has assaulted a man in the parking lot of a pub.
(4) The driver has tried to sell a stolen car stereo and speakers.
(5) The driver has solicited an undercover policewoman for prostitution.
(6) The driver has left a gas station without paying for gas.
(7) The driver (an addict) has purchased a small amount of cocaine from a street trafficker.
(8) The driver has liquor in the car and is under age.
(9) The driver has shoplifted a tape from a drugstore.
(10) The driver has been reported as wanted for non-payment of a fine.

Similarly to the motor vehicle violations, police management were the least likely group to support police pursuit for all ten minor offences listed (see Table 2). For six of the ten listed offences, not more than ten percent of police management indicated that it was necessary to undertake the risks of a high speed chase. These offences included prostitution, fraud, possession of narcotics, Liquor Act violation, theft under $1000, and warrant for non-payment of fine.

All four groups showed similar opinions in terms of support of a police pursuit for the incidents involving prostitution, fraud, possession of narcotics, Liquor Act violation, theft under $1000, and warrant for non-payment of fine. The figures varied little between groups, with police management and patrols showing the least support and citizens and recruits showing slightly higher support. The figures ranged from about four percent of police management indicating support for "warrant" to 37 percent of citizens supporting a pursuit for the "Liquor Act" incident. In 18 of the 24 cells, 20 percent or fewer indicated a high speed chase was necessary; in other words, no less than 80 percent of the four groups indicated the risks of a pursuit should not be undertaken when the fleeing driver was known to have committed one of the six offences mentioned above.

Table 2. Total Number Of Respondents Supporting Police Pursuit By Type Of Minor Offence.

Criminal Code Offence	*Management*	*Patrol*	*Recruits*	*Citizens*
	N=52	*N=135*	*N=59*	*N=393*
Theft of Motor Vehicle	50%	81%	85%	54%
Escape Custody	40%	61%	86%	64%
Assault	25%	44%	73%	53%
Possession- Stolen Property	21%	42%	36%	26%
Narcotics in Possession	10%	20%	25%	31%
Fraud	10%	19%	22%	20%
Prostitution	8%	18%	27%	24%
Liquor Act	6%	13%	15%	36%
Theft under $1000	10%	21%	12%	14%
Warrant	4%	17%	14%	7%

As can be seen from Table 2, all four groups indicated they would support high speed chases most for the two offences "theft of motor vehicle" and "escape custody". The majority of the respondents, with the exception of the police management group for "escape custody" (41%) supported police pursuit. For the case concerning "assault" of a man in a parking lot pub, the opinions of the groups varied; less than half of patrols (44%) and management (25%) indicated that the risks of pursuit were necessary while the majority of citizens (53%) and recruits (73%) supported police pursuit.

3. Moderate Criminal Code Offences

The following scenarios were described to respondents to represent moderate criminal code offences:

(1) The driver has knocked down a pedestrian who was crossing the road.

(2) The driver has been seen by a police officer to have a handgun in the vehicle.

(3) The driver has been reported by a citizen as having a handgun in the vehicle.

(4) The driver appears to be impaired.

(5) The driver has sold marijuana to local kids at an arcade.

With the exception of the "drug trafficking" offence, the majority of the respondents in all four groups indicated support for police pursuit when the fleeing driver was believed to be impaired, in possession of

a handgun, reported by a citizen as possessing a handgun, and leaving the scene of an accident after hitting a pedestrian (see Table 3).

Support ranged from 57 percent of the respondents in the citizen group indicating that they felt police should chase at high speed if the driver appeared to be impaired to 98 percent of recruits indicating they would commence a pursuit if they saw a handgun in the fleeing vehicle.

Table 3. Total Number Of Respondents Supporting Police Pursuit By Type Of Moderate Offence.

Criminal Code Offence	*Management*	*Patrol*	*Recruits*	*Citizens*
	N=52	*N=135*	*N=59*	*N=393*
Hit and Run	92%	93%	93%	88%
Weapons	85%	87%	98%	66%
Weapons	63%	68%	85%	59%
Impaired Driving	63%	67%	64%	56%
Narcotics- Trafficking	17%	38%	39%	52%

The responses varied little between groups for the moderate offences. For example, the responses for the hit and run scenario ranged from 88 percent of the citizens to 94 percent of the police management indicating a pursuit should take place. Similarly, for the impaired driving charge, responses ranged from 57 percent of citizens to 69 percent of patrols supporting the need to undertake the risk of a high speed chase. In addition, all four groups ranked the cases similarly with the least support for the "impaired" and "trafficking" offence and the most support for the "hit and run" and "weapons" charges (see Table 3).

The responses for the "drug trafficking" example varied somewhat with 18 percent of patrol management indicating support, 38 percent and 39 percent of patrols and recruits respectively indicating support and 52 of citizens indicating police should chase a fleeing driver at high speed if it is known the driver was selling drugs at an arcade (see Table 3).

4. Serious Criminal Code Offences

The following descriptions reflected serious criminal code offences:

(1) The driver has robbed a credit union at gun point.

(2) The driver has sexually assaulted a female hitchhiker.

(3) The driver has a similar vehicle as one described 24 hours earlier as being involved in a sex related stabbing.

(4) The driver has picked up a cache of cocaine in excess of 2 kilograms.

(5) The driver has broken into a residence and stolen cash and jewellery.

Not surprisingly, for all the above offences, all four groups were overwhelmingly in support of police pursuits. Responses varied very little for the serious offences between groups with citizens indicating the least support for high speed chase and recruits most likely to initiate a police pursuit for these offences. To illustrate, for the offence "robbery" responses ranged from 85 percent of the citizens supporting police pursuits to 100 percent of the recruits. Similarly, for "sexual assault", 85 percent of the citizens versus 98 percent of recruits indicated support for a high speed chase (see Table 4).

Table 4. Total Number Of Respondents Supporting Police Pursuit By Type Of Serious Offence.

Criminal Code Offence	*Management*	*Patrol*	*Recruits*	*Citizens*
	N=52	*N=135*	*N=59*	*N=393*
Robbery	98%	96%	100%	85%
Sexual Assault	94%	92%	98%	83%
Assault with Weapon	77%	85%	93%	79%
Narcotics- Trafficking	85%	81%	92%	68%
Break and Enter	58%	85%	85%	52%

All four groups indicated the most support for police pursuit for the "robbery" and "sexual assault" crimes. With the exception of the patrol group (85%), recruits (85%), police management (58%), and citizens (52%) indicated least support for "break and enter". It should be mentioned, that even in this

category the majority of respondents indicated a police pursuit was necessary to apprehend the fleeing suspect.

IV. CONCLUSION

As was mentioned earlier, the purpose of this survey was to determine whether the type of crime committed by the fleeing driver should be given special consideration in the police officer's decision to pursue for apprehension. The data acquired from the opinion survey indicates two important conclusions worth investigation. First, the majority of the respondents indicated little support for police pursuit for all Motor Vehicle Act infractions and six of the minor criminal code offences. This indicates that police officers are not supportive of pursuit for most motor vehicle violations or for minor crimes. Second, there was strong support for police pursuit by all four groups for the moderate and serious criminal code offences listed. Provided the risks do not outweigh the seriousness of the offense police officers have indicated they support pursuing a fleeing driver when the precipitating offence was known to be moderate or serious in nature.

These comparisons provide valuable information to police administrators for assessing and developing policy for pursuits. Currently, the mandatory weighting given to the offence is indeterminate and leaves most of the decision to pursue to the individual officer. The survey results can be used to give some content and formal guidance to replace terms like "reason to believe" and "lest the consequences be more serious than the offence" in the present guidelines. In addition, the survey results identify the areas in which the opinions of the citizens and the police officers are in accord. This is significant and cannot be overlooked.

PART "B"

MUNICIPALITIES SURVEYED IN POLICE PURSUIT SURVEY

Burnaby
Coquitlam
Central Saanich
Colwood
Delta
Esquimalt
Langley
Maple Ridge
New Westminster
North Vancouver
Oak Bay
Pitt Meadows
Port Coquitlam
Port Moody
Richmond
Saanich
Sidney
Surrey
Vancouver
Victoria
West Vancouver
WhiteRock

8 March 1990

Dear Sir: Re: High Speed Pursuit Guidelines

At the British Columbia Association of Chiefs of Police meeting on March 1, 1990, approval was given for a survey to be carried out to gather a sample of opinions on pursuit guidelines from serving police officers. This will parallel a similar study being conducted to determine citizens' opinions. This process would not be complete without the input of police managers and executives.

The purpose of the survey is to collect information for the review of current policy guidelines covering police pursuits. Part A of the questionnaire lists 26 situations where a police officer may initiate or participate in a high speed chase of another vehicle and Part B consists of a few general questions on the issue.

I have enclosed a survey questionnaire to be completed by yourself and returned in the envelope provided. It is requested that this questionnaire be returned as soon as possible as it forms an essential part of the data. Of course, the information you provide will be held in strict confidence and will be used for statistical purposes only.

Your cooperation and participation is appreciated. If you have any questions with respect to this matter please call me.

Yours truly,

David D. Wilson
Member

FL/mls
Encl.

REF NO. _____

PUBLIC ATTITUDE SURVEY ON HIGH SPEED PURSUITS

Hello, my name is _____. I am calling from Vancouver, for the B.C. Police Commission. We are conducting a survey on citizens' attitudes toward police chases, and we would appreciate it if you could help us out? (pause) Is that fine?

> If respondent mentions they will help out however this is not a good time and would like you to call back at a more convenient time say
>
> "thank-you, but I should mention that we are using a random selection procedure that requires that I speak to the person in your household who is sixteen years or older and who has had the most recent birthday."

IF YES: We are using a random selection procedure that requires that I speak to the person in your household who is sixteen years or older and who has had the most recent birthday. (pause) Is that you?

IF YES: The survey consists of 26 situations where a police officer may begin to chase another vehicle at high speeds. It will take only about 10 minutes and your answers will be kept strictly confidential. Can we begin now?

IF NO: Ask to speak to QR and repeat introduction.

IF QR IS NOT AVAILABLE: Set-up appointment.

HIGH SPEED PURSUIT SURVEY

Please answer whether the police should or should not begin a chase at high speed in the following situations.

Should police chase another vehicle at high speed:

a) when the driver broke into a home and stole cash and jewellery.

[ ] Yes [ ] No [ ] No opinion

b) when the driver knocked down a person crossing the road.

[ ] Yes [ ] No [ ] No opinion

c) when the driver sold marijuana to local kids at an arcade.

[ ] Yes [ ] No [ ] No opinion

d) when the driver appears to be impaired (under the influence of drugs or alcohol).

[ ] Yes [ ] No [ ] No opinion

e) when the driver shoplifted a tape from a drugstore.

[ ] Yes [ ] No [ ] No opinion

f) when the driver passed a stop sign without stopping.

[ ] Yes [ ] No [ ] No opinion

g) when the police know the driver stole the car and there are passengers in the car.

[ ] Yes [ ] No [ ] No opinion

h) when the driver tried to sell a stolen car stereo and speakers.

[ ] Yes [ ] No [ ] No opinion

i) when the driver sped through police radar at 80 kph in a 50 kph zone.

[ ] Yes [ ] No [ ] No opinion

j) when the driver sexually assaulted a female hitchhiker.

[ ] Yes [ ] No [ ] No opinion

k) when the driver left a gas station without paying for gas.

[ ] Yes [ ] No [ ] No opinion

l) when the driver made a U-turn on a busy highway.

[ ] Yes [ ] No [ ] No opinion

m) when the driver has been reported by a citizen as having a handgun in the car.

[ ] Yes [ ] No [ ] No opinion

n) when a police officer saw a handgun in the driver's car.

[ ] Yes [ ] No [ ] No opinion

o) when the driver has liquor in the car and is under age.

[ ] Yes [ ] No [ ] No opinion

p) when the driver assaulted a man in the parking lot of a pub.

[ ] Yes [ ] No [ ] No opinion

q) when the driver robbed a credit union at gun point.

[ ] Yes [ ] No [ ] No opinion

r) when the driver solicited an undercover policewoman for prostitution.

[ ] Yes [ ] No [ ] No opinion

s) when the driver who is an addict has bought a small amount of cocaine from a street trafficker.

[ ] Yes [ ] No [ ] No opinion

t) when the driver picked up more than 2 kilograms of cocaine.

[ ] Yes [ ] No [ ] No opinion

u) when the driver broke away from the police after being arrested in a street fight.

[ ] Yes [ ] No [ ] No opinion

v) when the driver has an expired insurance decal.

[ ] Yes [ ] No [ ] No opinion

w) when the driver did not stop for a routine car check for a broken muffler.

[ ] Yes [ ] No [ ] No opinion

x) when the person is driving a car that looks like the one involved in a sex related stabbing 24 hours earlier.

[ ] Yes [ ] No [ ] No opinion

y) when the driver is wanted for payment of a fine.

[ ] Yes [ ] No [ ] No opinion

z) when the driver passed a red light without stopping.

[ ] Yes [ ] No [ ] No opinion

In order to check that our sample is representative, could you please tell me the municipality you currently live in?

[ ] Abbotsford
[ ] Burnaby
[ ] Central Saanich
[ ] Colwood
[ ] Coquitlam
[ ] Delta
[ ] Esquimalt
[ ] Langley
[ ] Maple Ridge
[ ] Matsqui
[ ] New Westminster
[ ] North Vancouver
[ ] Oak Bay
[ ] Port Moody
[ ] Richmond
[ ] Saanich
[ ] Sidney
[ ] Sooke
[ ] Surrey
[ ] Vancouver
[ ] Victoria
[ ] West Vancouver
[ ] White Rock

Record Sex _____

End time _____

Date _____

Thank-you for your cooperation in participating in the survey. Have a good evening.

HIGH SPEED PURSUIT SURVEY

The survey consists of a list of 26 scenarios that could initiate a high speed pursuit. A high speed pursuit occurs when the driver of a vehicle clearly demonstrates his/her intention to evade the police. Please indicate your response to each situation by placing an [x] in the box.

Would you initiate a high speed chase of a vehicle when:

a) the driver has broken into a residence and stolen cash and jewellery.

[ ] Yes [ ] No

b) the driver has knocked down a pedestrian who was crossing the road.

[ ] Yes [ ] No

c) the driver has sold marijuana to local kids at an arcade.

[ ] Yes [ ] No

d) the driver appears to be impaired.

[ ] Yes [ ] No

e) the driver has shoplifted a tape from a drugstore.

[ ] Yes [ ] No

f) the driver has passed a stop sign without stopping.

[ ] Yes [ ] No

g) the driver has a (confirmed) stolen car and is carrying passengers.

[ ] Yes [ ] No

h) the driver has tried to sell a stolen car stereo and speakers.

[ ] Yes [ ] No

i) the driver has gone through police radar at 80 kph in a 50 kph zone.

[ ] Yes [ ] No

j) the driver has sexually assaulted a female hitchhiker.

[ ] Yes [ ] No

k) the driver has left a gas station without paying for gas.

[ ] Yes [ ] No

l) the driver has made a U-turn on a busy highway.

[ ] Yes [ ] No

m) the driver has been reported by a citizen as having a hand gun in the vehicle.

[ ] Yes [ ] No

n) the driver has been seen by a police officer to have a handgun in the vehicle.

[ ] Yes [ ] No

o) the driver has liquor in the car and is under age.

[ ] Yes [ ] No

p) the driver has assaulted a man in the parking lot of a pub.

[ ] Yes [ ] No

q) the driver has robbed a credit union at gun point.

[ ] Yes [ ] No

r) the driver has solicited an undercover policewoman for prostitution.

[ ] Yes [ ] No

s) the driver (an addict) has purchased a small amount of cocaine from a street trafficker.

[ ] Yes [ ] No

t) the driver has picked up a cache of cocaine in excess of 2 kilograms.

[ ] Yes [ ] No

u) the driver has broken away from police after being arrested in a street fight.

[ ] Yes [ ] No

v) the driver has an expired insurance decal.

[ ] Yes [ ] No

w) the driver has failed to stop for a routine vehicle check for a defective muffler.

[ ] Yes [ ] No

x) the driver has a similar vehicle as one described 24 hours earlier as being involved in a sex related stabbing.

[ ] Yes [ ] No

y) the driver has been reported as wanted for payment of a fine.

[ ] Yes [ ] No

z) the driver has passed a red light without stopping.

[ ] Yes [ ] No

HIGH SPEED PURSUIT SURVEY

PART A: The following is a list of 26 scenarios that could initiate a high speed pursuit. A high speed pursuit occurs when the driver of a vehicle clearly demonstrates his/her intention to evade the police. Please indicate your response by placing an [x] in the box.

Do you believe the risks of undertaking a high speed pursuit are necessary when:

a) the driver has broken into a residence and stolen cash and jewellery.

[ ] Yes [ ] No

b) the driver has knocked down a pedestrian who was crossing the road.

[ ] Yes [ ] No

c) the driver has sold marijuana to local kids at an arcade.

[ ] Yes [ ] No

d) the driver appears to be impaired.

[ ] Yes [ ] No

e) the driver has shoplifted a tape from a drugstore.

[ ] Yes [ ] No

f) the driver has passed a stop sign without stopping.

[ ] Yes [ ] No

g) the driver has a (confirmed) stolen car and is carrying passengers.

[ ] Yes [ ] No

h) the driver has tried to sell a stolen car stereo and speakers.

[ ] Yes [ ] No

i) the driver has gone through police radar at 80 kph in a 50 kph zone.

[ ] Yes [ ] No

j) the driver has sexually assaulted a female hitchhiker.

[ ] Yes [ ] No

k) the driver has left a gas station without paying for gas.

[ ] Yes [ ] No

l) the driver has made a U-turn on a busy highway.

[ ] Yes [ ] No

m) the driver has been reported by a citizen as having a hand gun in the vehicle.

[ ] Yes [ ] No

n) the driver has been seen by a police officer to have a handgun in the vehicle.

[ ] Yes [ ] No

o) the driver has liquor in the car and is under age.

[ ] Yes [ ] No

p) the driver has assaulted a man in the parking lot of a pub.

[ ] Yes [ ] No

q) the driver has robbed a credit union at gun point.

[ ] Yes [ ] No

r) the driver has solicited an undercover policewoman for prostitution.

[ ] Yes [ ] No

s) the driver (an addict) has purchased a small amount of cocaine from a street trafficker.

[ ] Yes [ ] No

t) the driver has picked up a cache of cocaine in excess of 2 kilograms.

[ ] Yes [ ] No

u) the driver has broken away from police after being arrested in a street fight.

[ ] Yes [ ] No

v) the driver has an expired insurance decal.

[ ] Yes [ ] No

w) the driver has failed to stop for a routine vehicle check for a defective muffler.

[ ] Yes [ ] No

x) the driver has a similar vehicle as one described 24 hours earlier as being involved in a sex related stabbing.

[ ] Yes [ ] No

y) the driver has been reported as wanted for payment of a fine.

[ ] Yes [ ] No

z) the driver has passed a red light without stopping.

[ ] Yes [ ] No

RESULTS OF DIALLING

Interview Completed	393
Number not in Service	235
Business Number	149
Language Difficulty	46
Hearing Problem	12
Qualify Respondent Away	4
No Answer	25
Refusal	259
Total numbers dialled	1123
Total number of contacted eligible	714
Total number of completed interviews	393
RESPONSE RATE	55%

APPENDIX "B"

B.C. POLICE COMMISSION

POLICE PURSUIT GUIDELINES

APPROVED BY THE MINISTRY OF THE ATTORNEY GENERAL (1982)

B.C. POLICE COMMISSION GUIDELINES
APPROVED BY THE MINISTRY OF ATTORNEY-GENERAL (1982)

1. GENERAL

a. It is the time honoured responsibility of police officers to preserve the peace, prevent robberies and other crimes and offences, and to apprehend offenders.

b. The prohibition of high speed pursuit by police would give criminals a license to drive at high speed without fear of apprehension. It would also create for the officer a convenient excuse for not carrying out his duty, with consequent lowering of morale. Most police officers do not relish high speed pursuit.

c. In any event the imposition of a speed limit which an officer should not exceed, would be impractical due to traffic and road conditions.

d. It is not usual that the police officer will, in advance of the pursuit, know the offence which occasions the attempt of the driver of the high speed vehicle to escape. Many criminals are apprehended because an alert police officer has his suspicions aroused by high speed or irregular driving.

e. To allow high speed offenders to proceed with impunity, may and has occasioned death and injury to members of the public, which might have been prevented and the offender apprehended, if a high speed pursuit had been instituted.

f. In some cases high speed on the part of the fleeing driver may be irrational conduct, which is not related to a serious crime or misdemeanour, on his part, or it may be occasioned by a spirit of bravado in which the driver seeks to prove he can outdistance the police.

2. GUIDELINES

a. Where the officer has reason to believe that the offending driver is guilty of a minor offence and seeks to escape the consequences thereof by driving at high speeds, he, the officer should pursue with excessive caution lest the consequences be more serious than the offence.

b. Where the officer's vehicle is equipped with warning lights and sirens these must normally be used in order

that the members of the public using the highways may be warned that a police pursuit is in progress, and may therefore take precautions for their own safety.

2. c. The officer in pursuit should, where possible, be in communication with his superior officer for instructions. Even if a superior officer cannot be reached, the officer should, where possible, institute through his station, a CPIC and motor vehicle check of the vehicle pursued with a view to increasing the information upon which his judgement will be based.

d. Through his station the assistance of other police should be sought, so that, if deemed practical, other action may be taken such as setting up roadblocks. It should be noted that the above does not relieve the officer in pursuit of his duty to pursue the vehicle proceeding at high speed, unless a superior officer has so instructed, because the placing of road blocks requires constant information as to the location and direction of the fleeing vehicle.

It is obvious the decision as to whether or not to engage in a high speed pursuit is a judgment call. The officer must consider traffic and road conditions and all other information which will balance the risks of the pursuits as against the obligation to apprehend the offender. <u>The decision of the officer may change during the course of the pursuit as a result of additional information or orders received</u>.

The obligation of each force is to ensure that each officer on the force is aware of his obligations and the factors which he should consider in making his decision in respect to a high speed pursuit so that the excitement of the occasion does not lead him to excesses which are unwarranted, and that his judgment as to proper procedure will be rational and sound.

APPENDIX "C"

POLICE ACT, Assented to June 29, 1988.

POLICE ACT

CHAPTER 53

Assented to June 29, 1988.

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PART 1

INTERPRETATION

Interpretation

1. In this Act

"auxiliary constable" means a constable appointed under section 8 (1);

"board" means a municipal police board established under section 23;

"bylaw enforcement officer" means a bylaw enforcement officer appointed under section 36;

"chief constable" means the chief constable of a municipal police force;

"commission" means the British Columbia Police Commission continued under section 39;

"commissioner" means the commissioner of the provincial police force;

"committee" means a local police committee established under section 31;

"enforcement officer" means an enforcement officer appointed under section 37;

"municipal constable" means a constable appointed under section 26;

"municipal police force" means a municipal police force established under section 26;

"municipality" includes the City of Vancouver, but does not include a regional or improvement district;

"provincial constable" means a constable who is a member of the provincial police force continued under section 5, or who is appointed a constable under section 6;

"provincial police force" means the provincial police force continued under section 5;

"special municipal constable" means a constable appointed under section 35;

"special provincial constable" means a constable appointed under section 9.

1988-53-1.

PART 2
THE MINISTER

Adequate level of policing

2. The minister shall ensure that an adequate and effective level of policing is maintained throughout the Province.

1988-53-2.

Responsibilities of Provincial and municipal governments for providing policing services

3. (1) The government shall provide policing services for the following:

(a) unincorporated areas of the Province;

(b) municipalities with a population up to 5 000 persons;

(c) municipalities with a population of more than 5 000 persons that contract with the minister to engage the provincial police force to act as the municipal police force in their municipalities.

(2) A municipality having a population of more than 5 000 persons shall provide policing in accordance with this Act and the regulations by means of one of the following:

(a) establishing a municipal police force;

(b) entering into an agreement with the minister under which policing in the municipality will be provided by the provincial police force;

(c) with the approval of the minister, entering into an agreement with another municipality that has a municipal police force under which policing in the municipality will be provided by the municipal police force of that municipality.

(3) An agreement under subsection (2) (b) or (c) shall contain terms that the Lieutenant Governor in Council approves.

1988-53-3.

Minister may provide policing

4. (1) Notwithstanding section 3, where the minister considers that it is necessary or desirable, he may, on terms approved by the Lieutenant Governor in Council, provide or reorganize the policing

(a) in a municipality to which section 3 (2) applies, or

(b) in an area or region of the Province.

(2) Costs incurred by the Province under subsection (1) (a) constitute a debt due to and recoverable by the Province from the municipality.

1988-53-4.

Provincial police force

5. The provincial police force is continued.

1988-53-5.

Constables and employees

6. (1) The *Public Service Act* does not apply to the provincial police force, a provincial constable, an auxiliary constable, a special provincial constable or an employee of the provincial police force.

(2) The Lieutenant Governor in Council may appoint to the provincial police force the constables and other employees he considers necessary to carry out the force's business.

(3) The Lieutenant Governor in Council may appoint a commissioner and a deputy commissioner of the provincial police force.

(4) The commissioner, deputy commissioner, constables and employees of the provincial police force shall be appointed for a term and shall be paid the remuneration that the Lieutenant Governor in Council determines.

(5) A person shall not be appointed commissioner, deputy commissioner or a constable or employee of the provincial police force unless he is a Canadian citizen.

1988-53-6.

Duties and functions of commissioner and police force

7. (1) The commissioner, under the minister's direction, has general supervision over the provincial police force and shall perform the other functions and duties assigned to him under the regulations or under this or any other Act.

(2) The provincial police force, under the commissioner's direction, shall perform the duties and functions respecting the preservation of peace, the prevention of crime and offences against the law and the administration of justice assigned to it or generally to peace officers by the commissioner, under the regulations or under any Act.

1988-53-7.

Auxiliary constables

8. (1) On the recommendation of the commissioner, the minister may appoint persons he considers suitable as auxiliary constables.

(2) An auxiliary constable shall assist the provincial police force in the performance of its duties.

(3) Subject to the regulations, an auxiliary constable has the powers, duties and immunities of a provincial constable.

1988-53-8.

Special provincial constables

9. (1) The minister may appoint persons he considers suitable as special provincial constables.

(2) A special provincial constable appointed under subsection (1) shall be appointed for the term the minister specifies in the appointment.

(3) Subject to the restrictions the minister specifies in the appointment, a special provincial constable has the powers, duties and immunities of a provincial constable.

1988-53-9.

Jurisdiction and power of provincial constable

10. (1) Subject to the regulations, a provincial constable, an auxiliary constable or a special provincial constable has, while carrying out the duties of his appointment, jurisdiction throughout the Province to exercise and carry out the powers, duties, privileges and responsibilities that a police constable or peace officer is entitled or required to exercise or carry out at law or under an enactment.

(2) Where a provincial constable, auxiliary constable or special provincial constable exercises his jurisdiction under subsection (1) in a municipality having a municipal police force, he shall, if possible, notify the municipal police force in advance, but in any case shall promptly after exercising his jurisdiction notify the municipal police force of the municipality.

1988-53-10.

Ministerial liability for torts of provincial police force and municipal constables

11. (1) The minister, on behalf of the Province, is jointly and severally liable for torts committed by

(a) provincial constables, auxiliary constables and special provincial constables, in the performance of their duties, and

(b) municipal constables and special municipal constables in the performance of their duties when acting in other than the municipality where they normally perform their duties.

(2) Notwithstanding that a constable referred to in subsection (1) (a) or (b) is not found liable for a tort allegedly committed by him in the performance of his duties, the minister may pay the amount he considers necessary to

(a) settle a claim against a constable for a tort allegedly committed by him in the performance of his duties, or

(b) reimburse a constable for reasonable costs incurred by him in defending a claim against him for a tort allegedly committed in the performance of his duties.

(3) The Minister of Finance and Corporate Relations shall pay out of the consolidated revenue fund, on the requisition of the minister, sums required for the purposes of subsection (2).

1988-53-11.

Assistance for costs of criminal proceedings

12. Where

(a) an auxiliary constable, or

(b) a municipal constable or a special municipal constable acting in other than the municipality in which he normally performs his duties

has been charged with an offence against an enactment of the Province, Canada, a municipality or a regional district in connection with the performance of his duties, the minister may, to the extent that he considers appropriate in the circumstances, pay the costs incurred and not recovered by the auxiliary constable, municipal constable or special municipal constable in the proceedings following or otherwise connected with the charge.

1988-53-12.

Aid to dependants — auxiliaries

13. Notwithstanding any other Act, the minister may grant pecuniary aid to the spouse or children of an auxiliary constable who is killed or injured in the performance of his duties.

1988-53-13.

PART 3

AGREEMENTS TO USE R.C.M.P.

Royal Canadian Mounted Police as provincial police force

14. (1) Subject to the approval of the Lieutenant Governor in Council, the minister, on behalf of the Province, may enter into, execute and carry out agreements with Canada, or with a department, agency or person on its behalf, authorizing the Royal Canadian Mounted Police to carry out powers and duties of the provincial police force specified in the agreement.

(2) Where an agreement is entered into under subsection (1),

(a) the Royal Canadian Mounted Police shall, subject to the agreement, be deemed a provincial police force,

(b) every member of the Royal Canadian Mounted Police shall, subject to the agreement, be deemed a provincial constable,

(c) the provisions of this Act respecting the powers and duties of the provincial police force and provincial constables shall apply, subject to the agreement, and with the necessary changes and insofar as applicable, to the Royal Canadian Mounted Police and its members, and

(d) the officer commanding the division of the Royal Canadian Mounted Police referred to in the agreement and the second in command of the division shall be deemed the commissioner and deputy commissioner, respectively, appointed under this Act.

(3) Where a power or duty given under the regulations or under any Act to the provincial police force or a provincial constable is expressly excluded from the powers and duties given by agreement under subsection (1) to the Royal Canadian Mounted Police or its members, the Lieutenant Governor in Council may make the regulations he considers necessary to authorize or require, as the case may be, a member of the public service of the Province to carry out the power or duty.

(4) This section applies to an agreement made under the *Police Act*, R.S.B.C. 1979, c. 331, that was in force on April 1, 1981, and every order made or act done by the commanding officer of the division referred to in the agreement, or the second in command,

(a) as commissioner or deputy commissioner, respectively, or

(b) in the exercise or purported exercise of the powers and duties of a commissioner or deputy commissioner

under this Act and the Act repealed by this Act, is hereby confirmed and validated.

1988-53-14.

PART 4

MUNICIPALITIES

Duties of a municipality

15. (1) Subject to subsection (2), a municipality having a population of more than 5 000 persons shall provide, in accordance with this Act and the regulations,

(a) policing in the municipality with a police force of sufficient numbers

(i) to adequately enforce municipal bylaws, the criminal law and the laws of the Province, and

(ii) to maintain law and order in the municipality, and

(b) adequate accommodation and materiel for

(i) the operations of and use by the police force required under paragraph (a), and

(ii) the detention of persons required to be held in custody.

(2) Where, due to special circumstances or abnormal conditions in a municipality, the minister believes it is unreasonable to require a municipality to provide policing under subsection (1), he may, subject to the terms the Lieutenant Governor in Council approves, provide policing in the municipality.

1988-53-15.

Municipal policing by R.C.M.P.

16. Where, under an agreement made under section 3 (2) (b), members of the Royal Canadian Mounted Police provide policing in a municipality, the municipality shall

(a) pay to the Province, or

(b) on the direction of the minister, pay directly to Canada

a sum equal to that payable by the Province to Canada respecting the use of those members of the Royal Canadian Mounted Police used to provide policing in the municipality.

1988-53-16.

Failure of municipality to police

17. (1) Where the commission considers that a municipality to which section 15 (1) applies is not complying with that section, the commission shall send to it and to its board, if any, a notice that

(a) identifies the non-compliance,

(b) directs the municipality to correct the failure to comply, and

(c) specifies the manner in which and the time within which the failure is to be corrected.

(2) On being notified by the commission that a notice sent under subsection (1) has not been complied with, the minister may, on terms he considers appropriate,

(a) appoint persons as constables to police the municipality,

(b) use the provincial police force to police the municipality, or

(c) take other steps he considers necessary.

(3) All costs of policing incurred under subsection (2) shall be paid by the municipality, and costs incurred by the Province under that subsection constitute a debt due to and recoverable by the Province from the municipality.

1988-53-17.

Amalgamation of municipal police forces

18. (1) Subject to the minister's approval, the councils of 2 or more municipalities may enter into an agreement providing for the amalgamation of their boards and municipal police forces.

(2) Subject to the minister's approval, the councils of 2 or more municipalities who have entered into an agreement with the minister under section 3 (2) (b) may enter into an agreement providing for the amalgamation of their police forces.

(3) An agreement under subsection (1) shall contain terms respecting a municipal police force and policing by a municipal police force, the establishment of a joint board, membership on the joint board and division of expenditures by the municipal councils.

(4) An agreement under subsection (2) shall contain terms respecting the provision of policing in the municipalities by the provincial police force and division of expenditures by the municipal councils.

1988-53-18.

Aid to dependants

19. Notwithstanding any other Act, a municipal council, or a regional board, in the case of an enforcement officer employed by it, may, in its discretion, grant pecuniary aid to the spouse or children of a municipal constable, special municipal constable, auxiliary constable, enforcement officer or bylaw enforcement officer who is killed or injured in the performance of his duties.

1988-53-19.

Municipal liability for torts

20. (1) Subject to an agreement under section 18 (1) and 23 (2), a municipality, or a regional district, in the case of an enforcement officer employed by it, is jointly and severally liable for a tort committed in the performance of his duties by a municipal constable, special municipal constable, enforcement officer, bylaw enforcement officer or employee of the board employed by the board on behalf of the municipality.

(2) Where it is alleged or established that a municipal constable, special municipal constable, enforcement officer, bylaw enforcement officer or employee of a board has committed a tort in the performance of his duties, the board and members of the board are not liable for the claim, but the municipality, or the regional district, in the case of an enforcement officer employed by it, in which he is employed may, in the discretion of the council of the municipality, or the board of the regional district, as the case may be, pay an amount it considers necessary to

(a) settle the claim or a judgement against him, and

(b) reimburse him for reasonable costs incurred by him in opposing the claim.

1988-53-20.

Personal liability

21. (1) No action for damages lies against a police officer or any other person appointed under this Act for anything said or done or omitted to be said or done by him in the performance or intended performance of his duty or in the exercise of his power or for any alleged neglect or default in the performance or intended performance of his duty or exercise of his power.

(2) In this section "police officer" means a person holding an appointment as a constable under this Act.

(3) Subsection (1) does not provide a defence where

(a) the police officer or other person appointed under this Act has, in relation to the conduct that is the subject matter of action, been guilty of dishonesty, gross negligence or malicious or wilful misconduct, or

(b) the cause of action is libel or slander.

(4) Subsection (1) does not absolve

(a) a municipality, in the case of a constable, or other person appointed under this Act, who is employed by a board on behalf of the municipality,

(b) a regional district, in the case of an enforcement officer employed by it, or

(c) the minister in a case to which section 11 applies

from vicarious liability arising out of a tort committed by the constable or other person appointed under this Act for which the municipality, the regional district or the minister, as the case may be, would have been liable had this section not been in force.

1988-53-21.

Assistance for costs of criminal proceedings

22. Notwithstanding section 262 of the *Municipal Act*, where a municipal constable, special municipal constable, enforcement officer, bylaw enforcement officer or employee of a board has been charged with an offence against an enactment of the Province or Canada or a municipal or regional district bylaw in connection with the performance of his duties, the council of the municipality, or the board of a regional district, in the case of an enforcement officer employed by it, in which he is employed may,

(a) on the recommendation of its board where the person is an employee of the board, and

(b) to the extent that it considers appropriate in the circumstances,

pay the costs incurred and not recovered by him in the proceedings following or otherwise connected with the charge.

1988-53-22.

PART 5

POLICE BOARDS

Establishment of boards

23. (1) The council of a municipality required to provide policing under section 15 may, subject to the minister's approval, provide policing by means of a municipal police force governed by a municipal police board consisting of the mayor of the council, one person appointed by the council and not more than 5 persons appointed, after consultation with the commission, by the Lieutenant Governor in Council.

(2) The councils of 2 or more municipalities may, subject to the approval of the minister, enter into an agreement to establish a joint municipal police board under subsection (1).

(3) An agreement under subsection (2) shall contain terms respecting the establishment of the board, membership on the board and division of expenditures.

1988-53-23.

Membership of boards

24. (1) A person who is an alderman on council or, except the mayor, is ineligible to be elected as an alderman on council shall not be appointed to a board.

(2) A person appointed to a board shall hold office for a term, not exceeding 4 years, that the Lieutenant Governor in Council determines, and may be reappointed; but a person shall not hold office for a period of more than 6 successive years.

1988-53-24.

Chairman and quorum

25. (1) The mayor of the council shall be chairman of the board.

(2) Where the mayor is absent, the other board members present shall elect from among themselves a chairman to preside at the meeting.

(3) In case of a tie vote, the chairman shall have a second or casting vote.

1988-53-25.

Board to establish municipal police force

26. (1) A board shall establish a municipal police force and appoint a chief constable and other constables and employees the board considers necessary to provide policing in the municipality.

(2) The duties and functions of a municipal police force are, under the direction of the board, to

(a) enforce, in the municipality, municipal bylaws, the criminal law and the laws of the Province,

(b) generally maintain law and order in the municipality, and

(c) prevent crime.

(3) Subject to a collective agreement as defined in the *Industrial Relations Act*, the chief constable and every constable and employee of a municipal police force shall be

(a) employees of the board,

(b) provided with the accommodation and materiel the board considers necessary for his duties and functions, and

(c) paid the remuneration the board determines.

(4) Part 6 of the *Industrial Relations Act* does not apply to discipline or dismissal of a constable appointed under this Act.

(5) The board shall, in consultation with the chief constable, determine the priorities, goals and objectives of the municipal police force, and the chief constable shall report to the board each year on the implementation of programs and strategies to achieve the priorities, goals and objectives.

1988-53-26.

Estimates and expenditures

27. (1) Every board shall, on or before November 30 in each year, prepare and submit to the council for its approval a provisional budget for the following year to provide policing in the municipality.

(2) Any changes to the provisional budget under subsection (1) shall be submitted to council on or before March 1 of the year to which the provisional budget relates.

(3) Where a council does not approve an item in the budget, the commission, on application by the council or the board, shall determine whether the item or amount should be included in the budget, and shall report its findings to the board, the council and the minister.

(4) Subject to subsection (3), a council shall include in its budget the costs in the provisional budget prepared by the board.

(5) On certification by the board members that an expenditure is within the budget prepared by the board, the council shall pay the amount of the expenditure.

(6) Unless the council otherwise approves, a board shall not make an expenditure or enter an agreement to make an expenditure that is not specified in the board's budget and approved by the council.

1988-53-27

Rules

28. (1) Every board shall make rules not inconsistent with this Act and the regulations respecting the

(a) standards, guidelines and policies for the administration of the municipal police force,

(b) prevention of neglect and abuse by its municipal constables, and

(c) efficient discharge of duties and functions by the municipal police force and municipal constables.

(2) A rule under subsection (1) shall not be enforceable against any person until it is filed with the commission.

1988-53-28

Studies

29. (1) A board may study, investigate and prepare a report on matters respecting law enforcement, crime prevention, police and policing in its municipality.

(2) A board shall submit its report of a study under subsection (1),

(a) on request, to the commission,

(b) where the report suggests a breach of discipline by a municipal constable, special municipal constable, enforcement officer or bylaw enforcement officer, to the chief constable, and

(c) where the report suggests criminal liability of a municipal constable, special municipal constable, enforcement officer or bylaw enforcement officer, to the minister.

1988-53-29

Keeping of provincial prisoners

30. The minister may, out of monies appropriated for the purpose, make payments to municipalities having a population of more than 5 000 persons in order to reimburse the municipalities to the extent he considers appropriate in each case, for the expenses incurred under section 702 of the *Municipal Act* and section 481 of the *Vancouver Charter*, as the case may be, for the care and custody of persons who are detained in a place of detention.

1988-53-30.

PART 6

POLICE COMMITTEES

Local police committees

31. (1) The Lieutenant Governor in Council, after consulting the councils of municipalities situated in whole or in part in the area of the Province in which the committee is to have jurisdiction, may establish a local police committee consisting of not less than 3 members appointed by the Lieutenant Governor in Council.

(2) A member of a committee shall be appointed for a term not exceeding 3 years that the Lieutenant Governor in Council determines, and may be reappointed; but a person shall not be a member of a committee for a period of more than 5 successive years.

(3) A member of a committee shall not be a judge of a court.

1988-53-31.

Chairman and quorum

32. (1) The Lieutenant Governor in Council may designate one member of a committee as chairman.

(2) In the absence or inability of the chairman to act, the other committee members shall elect a chairman.

(3) A simple majority of the committee constitutes a quorum.

(4) In case of a tie vote, the chairman shall have a second or casting vote.

1988-53-32.

Functions of committees

33. It is the duty of a committee

(a) to promote a good relationship between the provincial police force and residents of the area of the Province in which the committee has jurisdiction,

(b) to bring to the attention of the minister and the provincial police force matters respecting the adequacy of policing in the area of the Province in which the committee has jurisdiction, and to make recommendations to the minister and the provincial police force respecting those matters, and

(c) perform such other duties as the minister may specify.

1988-53-33.

PART 7

MUNICIPAL POLICE FORCE

Duties and functions of chief constable and municipal police

34. (1) The chief constable of a municipal police force has, under the direction of the board, general supervision and command over the municipal police force and shall perform the other functions and duties assigned to him under the regulations or under any Act.

(2) The municipal police force, under the chief constable's direction, shall perform the duties and functions respecting the preservation of peace, the prevention of crime and offences against the law and the administration of justice assigned to it or generally to peace officers by the chief constable, under the regulations or under any Act.

1988-53-34

Special municipal constables

35. (1) After consultation with the chief constable, a board may appoint persons considered suitable as special municipal constables.

(2) A special municipal constable shall assist the municipal police force in the performance of its duties.

(3) Subject to a collective agreement as defined in the *Industrial Relations Act*, a special municipal constable may be paid the remuneration and shall be appointed for the term the board determines.

(4) Subject to the restrictions the board specifies in the appointment, a special municipal constable has, while carrying out the duties of his appointment, the powers, duties and immunities of a municipal constable.

1988-53-35

Bylaw enforcement officers

36. (1) Bylaw enforcement officers may be appointed,

(a) by a board, or

(b) where there is no board in a municipality, by the municipal council.

(2) A bylaw enforcement officer shall be paid the remuneration and shall be appointed for the term that the board or municipal council, as the case may be, determines.

(3) A bylaw enforcement officer shall, under the direction of the chief constable or officer in charge of the detachment of police operating in the municipality, perform the functions and duties, and has the powers, privileges and responsibilities respecting the enforcement of municipal bylaws, that the board or municipal council, as the case may be, specifies in the appointment.

1988-53-36

Enforcement officers provincial enactments

37. (1) Subject to the approval of the minister, a board, municipal council or board of a regional district may appoint, in writing, one or more of its employees to

enforce one or more provincial enactments, specified in the appointment, within the boundaries of the municipality or regional district, as the case may be.

(2) A person appointed as an enforcement officer shall meet the standards for training specified by the minister.

(3) An enforcement officer is a peace officer for the purposes of enforcing the enactments specified in his appointment within the jurisdiction for which he is appointed.

1988-53-37.

Jurisdiction of municipal constables

38. (1) A municipal constable or a special municipal constable has jurisdiction throughout the Province while carrying out the powers, duties, privileges and responsibilities that a police constable or peace officer is entitled or required to exercise or carry out at law or under any Act.

(2) Where the minister believes an emergency exists outside the municipality in which a municipal constable or special municipal constable is employed, he may direct one or more municipal constables or special municipal constables to the part of the Province in which the emergency exists.

(3) Where the minister makes a direction under subsection (2), the Minister of Finance and Corporate Relations shall pay, from the consolidated revenue fund, the salary and other expenses of the municipal constable or special municipal constable during the period he is performing duties in the part of the Province in which the emergency exists.

(4) Where a municipal constable or special municipal constable performs his duties outside the municipality, he shall, if possible, notify the provincial police force or municipal police force of the area in which he performs his duties in advance, but in any case shall promptly after performing his duties notify the provincial police force or municipal police force.

1988-53-38.

PART 8

POLICE COMMISSION

Commission continued

39. (1) The British Columbia Police Commission is continued and consists of not less than 3 members appointed by the Lieutenant Governor in Council to hold office during a term, not exceeding 5 years, determined by him.

(2) In addition to persons appointed to the commission under subsection (1), the Lieutenant Governor in Council may appoint persons to the commission limited to the purpose of serving on panels established by the chairman to hear applications for leave to appeal under section 64 and appeals under section 65.

(3) Each member of the commission shall be reimbursed for reasonable travelling or out of pocket expenses necessarily incurred by him in discharging his duties, and in addition shall be paid the remuneration for his services the Lieutenant Governor in Council determines.

(4) The minister, on behalf of the government, may enter into an agreement with a member of the commission containing terms of employment.

1988-53-39.

Chairman and quorum

40. (1) The Lieutenant Governor in Council shall designate one member of the commission as chairman and one member as deputy chairman.

(2) Any 2 members of the commission constitute a quorum, and a vacancy in the membership of the commission does not impair the authority of the other members to act.

(3) In case of a tie vote, the chairman shall have a second or casting vote.

(4) The chairman may appoint a panel for hearing an application for leave to appeal under section 64 or an appeal under section 65.

(5) A panel shall consist of 3 members of the commission, at least one of whom shall be a person appointed under section 39 (1).

(6) The chairman shall designate the person to act as chairman of the panel.

(7) The quorum for a panel shall be 3.

(8) The member of the commission appointed by the minister to perform the duties of the complaint commissioner shall not be a member of a panel.

1988-53-40.

Employees

41. (1) The commission may, subject to the *Public Service Act*, employ or retain the persons it considers necessary to carry out the commission's business.

(2) The commission may, subject to the *Public Service Act*, designate the title, office and responsibilities of persons employed or retained under subsection (1).

(3) The commission may, notwithstanding the *Public Service Act* but subject to the approval of the minister, engage and retain persons it considers necessary as consultants, experts or specialists.

1988-53-41.

Function of commission

42. (1) It is the commission's function to

(a) administer, pursuant to Part 9, complaints about the conduct of provincial and municipal constables,

(b) hear appeals from decisions of police boards in disciplinary matters as provided by the regulations,

(c) inspect and report upon the quality and standard of police services delivery, including without limiting the foregoing,

(i) inspecting police operations and procedures,

(ii) evaluating programs for training persons who intend to become constables, constables who require retraining and constables who are eligible for advanced training, and

(iii) evaluating standards of policing,

(d) maintain a system of statistical records as required to carry out inspections, evaluations and research studies,

(e) consult with and give information and advice to chief constables, boards and committees on matters related to police and policing,

(f) make recommendations to the minister in regard to the appointment of members of municipal police boards,

(g) make recommendations to the minister on minimum standards respecting selection and training of constables, the use of firearms and equipment and any other matter relating to police and policing,

(h) establish and carry out, or approve and supervise, programs to promote cooperative and productive relationships between constables and the public,

(i) assist in the coordination of policing by the provincial police force and municipal police forces, and

(j) perform other functions and duties assigned to the commission pursuant to this Act or the regulations.

(2) The commission shall submit copies of a report completed under subsection (1) (c) to

(a) the minister, and

(b) the board or, where no board exists, the municipality,

and may submit a copy to those persons the commission considers appropriate.

(3) The commission may, after written notice to the chairman of the board and the minister, inspect the records, operations and systems of administration of a municipal police force.

(4) If requested by the minister the commission shall, after notice to the chairman of the board, conduct the investigation under subsection (3).

1988-53-42.

Practice and procedure

43. (1) The commission shall make rules, not inconsistent with this Act and the regulations, respecting its practice and procedure and the exercise of its powers and may establish forms required to be used for those purposes.

(2) No rule under subsection (1) is binding on a person unless it is approved by the minister.

1988-53-43.

Research studies

44. (1) The commission shall, on the request of the minister, and may, on its own or on the request of a council or a board, study, investigate and prepare a report on matters respecting law enforcement, crime prevention, police and policing in the Province or in a designated area of the Province.

(2) A study under subsection (1) may be carried out by the commission or by a member or employee of the commission designated by the chairman for the purpose.

(3) Where the minister requests a study under subsection (1), the minister responsible for finance shall pay the costs of the study from the consolidated revenue fund.

(4) The commission shall submit the report under subsection (1) to the minister.

1988-53-44.

Inquiries

45. On request of the minister, the commission shall inquire into and report to the minister on matters respecting crime and its investigation and control, and of law enforcement.

1988-53-45.

Special investigations

46. (1) Notwithstanding this Act,

(a) the minister, or

(b) the commission, either on its own initiative or on receiving a request from the complaints commissioner or a board,

may at any time order an investigation to be made respecting an act or omission of any person appointed under this Act.

(2) An investigation under subsection (1) shall be made by the persons and in the manner the minister or the commission specifies in the order.

(3) Where the minister orders an investigation under subsection (1), the minister responsible for finance shall pay the costs of the investigation from the consolidated revenue fund.

1988-53-46.

Delegation

47. The chairman of the commission may authorize one or more members of the commission to exercise the powers and perform the duties and functions of the commission under sections 42 and 44 to 46.

1988-53-47.

Annual report

48. The commission shall submit annually to the minister

(a) a report of the operation of the commission for the immediately preceding fiscal year, and

(b) a financial statement showing the business of the commission for that fiscal year,

and the report and financial statement shall be laid before the Legislative Assembly within 15 days after commencement of the first session in the following year.

1988-53-48.

PART 9

CITIZEN COMPLAINT PROCEDURE

Interpretation

49. In this Part

"complainant" means a member of the public who has submitted a complaint;

"complaint" means an allegation in writing made by a member of the public respecting the conduct of a municipal constable or a provincial constable which, if proven, would constitute a disciplinary default under a code of conduct established by regulation;

"complaint commissioner" means the member of the commission appointed by the minister to perform the duties of the complaint commissioner;

"constable" means a municipal constable, a provincial constable or both, as the context requires;

"disciplinary authority" means, where a complaint is made against

(a) the commissioner, the minister or a person, including the commission, the minister appoints in writing,

(b) a provincial constable, the commissioner or a member of the provincial police force the commissioner appoints in writing,

(c) the chief constable of a municipal police force, the board responsible for the municipal police force or a person, including the commission, the board appoints by resolution, and

(d) a municipal constable, the chief constable of that municipal police force or a member the chief constable appoints in writing;

"disciplinary tribunal" means, where an inquiry is requested under section 60 in respect of a complaint made against

(a) a provincial constable, the disciplinary tribunal directed by the minister under section 60 (4) to hold the inquiry, or

(b) a municipal constable, the board responsible for the municipal constable;

"municipal constable" includes a special municipal constable;

"provincial constable" includes an auxiliary constable and a special provincial constable but does not include a member of the Royal Canadian Mounted Police serving the Province.

1988-53-49.

Duties of complaint commissioner

50. (1) The duties of the complaint commissioner are

(a) to receive complaints from the public against constables,

(b) to record complaints received and forward them to the disciplinary authority,

(c) to establish and maintain a record of all complaints received by municipal police forces against the conduct of municipal constables, and their disposition,

(d) to inform, advise and assist complainants, constables complained against, disciplinary authorities, boards and the commission, in respect of the handling of citizen complaints,

(e) to monitor the handling of complaints and act in the public interest to ensure complaints are handled in the manner specified by this Act and the regulations,

(f) to inspect annually, or as required, the records, operations and systems of administration for handling of citizen complaints by municipal police forces, and

(g) to publicize the function and duties of the complaint commissioner.

(2) In exercising his duties under this section, the complaint commissioner may receive and obtain information respecting a complaint from the parties and the disciplinary authority in the manner he considers appropriate and, without limiting the generality of the foregoing, shall have access to any files or other material relating to a complaint and may interview and take statements from the disciplinary authority, the complainant and the constable complained against.

(3) Subject to subsection (4), no oral or written statement made to the complaint commissioner shall be used or received as evidence in any civil or administrative proceeding and the complaint commissioner or a person to whom he delegates his powers

shall not be required to give testimony or to produce a statement obtained in exercising his powers under this section.

(4) Subsection (3) does not apply to a proceeding under a prescribed code of discipline respecting an allegation that, with intent to mislead, a constable made a statement to the complaint commissioner, or person to whom the complaint commissioner delegated his powers, knowing that it was false.

(5) Where the complaint commissioner as a result of information obtained under subsection (2) believes there has been an inadequacy in the investigation of the complaint, he may advise the disciplinary authority and request a reinvestigation of the complaint.

(6) The complaint commissioner may delegate, in writing, his powers under subsection (2) subject to such conditions as he may specify.

1988-53-50.

Application of this Part

51. (1) Subject to subsection (2), this Part does not preclude the taking or continuing of

(a) civil or criminal proceedings against a constable,

(b) internal disciplinary proceedings under a prescribed code of discipline, or

(c) proceedings under the *Industrial Relations Act* as to the interpretation, application or operation of a collective agreement.

(2) Notwithstanding a contrary provision in another Act or in a collective agreement, where a complainant requests an inquiry under section 60, the provisions of this Act apply to the complaint, inquiry and disposition of the complaint.

1988-53-51.

Complaint made

52. A person having a complaint against a constable shall complain to one of the following:

(a) the disciplinary authority;

(b) the complaint commissioner;

(c) in the case of a municipal constable, the senior constable on duty at the time the complaint is made.

1988-53-52.

Complaint form/information to complainant

53. The person who receives the complaint shall record the complaint in the prescribed form and shall furnish the complainant with a prescribed statement that sets out the procedures that will be followed respecting the complaint and the rights of the complainant, together with a copy of the complaint form.

1988-53-53.

Complaint commissioner to monitor

54. Where a complaint is made to

(a) the disciplinary authority or he receives a complaint under paragraph (c), he shall forthwith send a copy of it to the complaint commissioner,

(b) the complaint commissioner, he shall forthwith send a copy of it to the disciplinary authority, or

(c) the constable in charge of a municipal police force, he shall forthwith send a copy to the disciplinary authority.

1988-53-54.

Status reports to be given

55. In the case of a complaint against a constable, the disciplinary authority shall notify, in writing, the complainant, the constable complained against and the complaint commissioner of the status of the complaint not later than 45 days after the date the complaint is recorded by the person who received it and every 30 days thereafter during the course of the investigation unless, in the disciplinary authority's opinion, to do so might adversely affect or hinder any investigation in respect of the complaint, in which case he shall, on request, notify the complaint commissioner of the reasons for his decision.

1988-53-55.

Informal disposition of complaints

56. (1) The disciplinary authority receiving a complaint may informally hear and attempt to resolve the complaint.

(2) Where a complaint is resolved informally, a record shall be made of the manner in which the complaint was resolved.

(3) The disciplinary authority shall notify the complainant, the constable complained against and the complaint commissioner of the results of the attempt at informal resolution, if any.

1988-53-56.

Investigation of complaints

57. (1) Where the disciplinary authority does not attempt to resolve the complaint informally, he shall forthwith conduct an investigation into the complaint.

(2) Where the disciplinary authority receiving a complaint is unsuccessful in resolving the complaint informally, the complainant may, in writing, request that the complaint be investigated by the disciplinary authority, who shall notify the constable complained against and the complaint commissioner and forthwith comply with the request.

1988-53-57.

Frivolous and vexatious complaints

58. (1) The disciplinary authority may refuse to investigate or further investigate a complaint against a constable where the disciplinary authority is satisfied that

(a) the complaint is frivolous, vexatious, not made in good faith or concerns a trivial matter,

(b) the conduct complained of primarily affects a person other than the complainant and the complainant does not have sufficient personal interest in the subject matter of the complaint, or

(c) the complainant knew or ought to have known, more than 6 months before making the complaint, of the act or omission to which his complaint refers.

(2) Where the disciplinary authority refuses to investigate or to further investigate a complaint against a constable,

(a) the disciplinary authority shall, in writing, promptly notify the complainant, the constable complained against and the complaint commissioner of the disciplinary authority's refusal to investigate or further investigate, the reasons for the refusal and the recourse under this section that is available to the complainant, and

(b) the complainant may, within 10 days after he receives the notification referred to in paragraph (a), by written request delivered to the disciplinary authority, require a review of the disciplinary authority's decision.

(3) On receipt of the complainant's written request under subsection (2) (b), the disciplinary authority shall notify the complaint commissioner and the constable complained against of the request and shall, where the complaint is against

(a) a provincial constable, deliver to the commission, or

(b) a municipal constable, deliver to the board responsible for the municipal constable

a copy of the complainant's written request for a review together with particulars of the complaint and the disciplinary authority's reasons for the refusal and, where the complaint is against

(c) a provincial constable, the chairman of the commission shall appoint 2 persons he considers suitable, or

(d) a municipal constable, the chairman of the board shall appoint 2 of the board's members

as a review panel to review the disciplinary authority's decision.

(4) The review panel shall consider the complaint and the reasons for the disciplinary authority's decision and shall, not more than 30 days after its appointment,

(a) unanimously confirm the decision of the disciplinary authority,

(b) unanimously direct the disciplinary authority to cause the complaint to be investigated under section 57, or

(c) where the review panel is unable to reach a unanimous decision, so signify

and shall promptly give written notice of the result of its considerations to the complainant, the complaint commissioner, the constable complained against and the disciplinary authority, giving its reasons where it has confirmed a decision under paragraph (a) or made a direction under paragraph (b).

(5) Where a review panel makes a unanimous direction under subsection (4) (b) or signifies under subsection (4) (c) its inability to reach a unanimous decision, the disciplinary authority shall promptly cause the complaint to be investigated.

(6) Where a review panel makes a unanimous confirmation under subsection (4) (a), no further action shall be taken on the complaint and the decision of the review panel is final and binding.

(7) Before unanimously confirming the decision of a disciplinary authority, the review panel shall give the complainant an opportunity to be heard.

1988-53-58.

Notice of results of investigation

59. Where a disciplinary authority has investigated a complaint, he shall, not more than 7 days after the investigation is completed, send a notice to the complainant, the complaint commissioner and the constable against whom the complaint is made, setting out

(a) a summary of the investigation and the results of the investigation,

(b) any disciplinary action intended to be taken by the disciplinary authority, and

(c) the right of the complainant or constable against whom the written complaint is made to request an inquiry.

1988-53-59.

Request for inquiry

60. (1) A complainant who alleges he is personally affected by an act or omission set out in the complaint, or a constable against whom the complaint is made, may, not more than 30 days after the date he receives a notice under section 59, send the disciplinary authority a notice requesting an inquiry.

(2) Where a notice requesting an inquiry is not sent within the time limited by subsection (1), the disciplinary authority may deal with the complaint as an internal disciplinary proceeding under a prescribed code of discipline.

(3) Subject to subsection (2), the disciplinary authority shall promptly submit a copy of the notice to the complaint commissioner, the minister and, where the inquiry is requested in respect of a complaint against a municipal constable, the disciplinary tribunal responsible for the municipal police force.

(4) Where the minister receives a copy of a notice requesting an inquiry in respect of a complaint against a provincial constable, the minister shall direct that the inquiry be held by a disciplinary tribunal consisting of the commission, a committee the minister designates or jointly by the commission and a committee the minister designates and shall give a copy of the notice to the tribunal.

(5) A disciplinary tribunal shall, forthwith after it receives a copy of a notice requesting an inquiry, send a notice specifying the date and place of the inquiry to

(a) the complainant,

(b) the constable against whom the complaint is made,

(c) the disciplinary authority, and

(d) the complaint commissioner,

and the disciplinary tribunal shall hold the inquiry on the date and at the place specified in the notice.

(6) An inquiry shall be a new hearing at which the persons referred to in subsection (5) (a), (b) and (c) may, and shall if required by the disciplinary tribunal, give evidence viva voce.

1988-53-60.

Inquiries open to public

61. An inquiry by a disciplinary tribunal shall be open to the public.

1988-53-61.

Inquiries respecting provincial constables

62. A disciplinary tribunal holding an inquiry respecting a complaint against a provincial constable shall

(a) review the complaint,

(b) review the investigation made, and any disciplinary action intended to be taken by the disciplinary authority,

(c) determine whether the complaint is justified, and

(d) not more than 10 days after it concludes the inquiry, submit its findings and recommendations to the complainant, the provincial constable against whom the complaint is made, the minister, the disciplinary authority and the complaint commissioner.

1988-53-62.

Inquiries respecting municipal constables

63. (1) After holding an inquiry respecting a complaint against a municipal constable, the disciplinary tribunal shall

(a) approve, or approve subject to the terms it specifies, the disciplinary action intended to be taken by the disciplinary authority,

(b) reject the disciplinary action intended to be taken by the disciplinary authority and order that it take the disciplinary action the disciplinary tribunal specifies,

(c) request the commission to order that a further investigation be made of the complaint, or

(d) make an order it considers appropriate in the circumstances.

(2) The disciplinary tribunal shall, not more than 10 days after the date it makes its decision under subsection (1), serve a notice of its decision on the complainant, the municipal constable against whom the complaint was made, the disciplinary authority and the complaint commissioner.

(3) For the purposes of this section, "disciplinary action" includes a decision not to take disciplinary action.

1988-53-63.

Leave to appeal to the commission

64. (1) A complainant or municipal constable affected by a decision of a disciplinary tribunal may, not more than 30 days after the date he receives notice of the decision, serve on the commission a notice of application for leave to appeal all or part of the decision to the commission.

(2) An application under subsection (1) shall be in writing and shall set out the reasons for requesting leave to appeal.

(3) The disciplinary tribunal that made the decision appealed from shall, on the request of the commission, submit to the commission the record of the inquiry and every report or other information considered by the disciplinary tribunal during the inquiry.

(4) The commission shall grant leave to appeal where, after considering the record, report and other information, and calling witnesses and hearing evidence it considers necessary, the commission has reasonable doubt of the thoroughness or fairness of the investigation by the disciplinary authority or the inquiry by the disciplinary tribunal, or

believes the disciplinary action imposed is not comparable to disciplinary action imposed in respect of similar complaints.

1988-53-64.

Appeal to commission

65. (1) Where the commission grants leave to appeal, it shall serve a notice specifying the date and place of the appeal on the complainant, the municipal constable against whom the complaint was made, the disciplinary authority and the disciplinary tribunal, all of whom shall be parties to the appeal.

(2) An appeal shall be a new hearing at which the persons referred to in subsection (1) may, and shall if required by the commission, give evidence viva voce.

(3) After holding an inquiry respecting a complaint against a municipal constable, the commission shall

(a) approve, or approve subject to the terms it specifies, the disciplinary action intended to be taken by the disciplinary authority or disciplinary tribunal,

(b) reject the disciplinary action intended to be taken by the disciplinary authority or disciplinary tribunal and order that the disciplinary authority take such disciplinary action as the commission may specify, or

(c) make an order it considers appropriate in the circumstances.

(4) The hearing of an appeal under this section shall be open to the public.

(5) A decision or order of the commission under subsection (3) is final and binding.

(6) For the purposes of this section, "disciplinary action" includes a decision not to take disciplinary action.

1988-53-65.

Powers and privileges at inquiries

66. (1) The following bodies have and may exercise the powers of a commissioner under sections 15 and 16 of the *Inquiry Act:*

(a) the commission,

(i) for the purposes of a study under section 44 or an inquiry under section 45 or 60,

(ii) for the purposes of an investigation under section 46,

(iii) during the hearing of an application for leave to appeal under section 64, and

(iv) during the hearing of an appeal under section 65;

(b) a committee designated by the minister to hold an inquiry under section 60;

(c) a disciplinary tribunal, for the purposes of an inquiry under section 60;

(d) a board, for the purposes of a study under section 29.

(2) Every person required to attend and give evidence before a body that is exercising its powers under subsection (1) has a right to

(a) be represented by counsel, and

(b) call and examine witnesses.

(3) On the request of, or with the consent of, a person required by the commission to attend and give evidence at an inquiry under section 45, the commission may take his evidence in private.

(4) Where evidence is taken in private under subsection (3), no person shall, without the consent of the commission, disclose or communicate the evidence to another person.

(5) At the hearing of internal disciplinary proceedings and appeals under a prescribed code of discipline, the presiding officer, the board and the commission have power to

(a) hear and receive evidence on oath, and

(b) compel witnesses to attend by notice in writing, and to pay those witnesses to the extent that witnesses are remunerated for attendance at a County Court.

(6) A witness who fails, without reasonable excuse, to attend the proceedings after service on him of notice in writing under subsection (5) requiring his attendance, commits an offence.

1988-53-66.

PART 10

GENERAL

Evidentiary effect of orders

67. An order, rule, report, record or certificate signed by a disciplinary authority or by a member of the commission or a board, committee or disciplinary tribunal that made the order, rule, report or certificate is, in any proceeding, evidence of the facts stated in the order, rule, report or certificate, and of the authority of the member or disciplinary authority without proof of his appointment, authority or signature.

1988-53-67.

Request for assistance of other police forces

68. The provincial police force or a municipal police force, on receiving a request for temporary assistance made by another police force, shall assign to the police force making the request the constables it is practicable to assign for the purpose.

1988-53-68.

Meetings and hearings open to public

69. (1) Subject to subsection (2), every meeting and hearing of the commission, a board or a committee shall be open to the public.

(2) Where the commission or a board or committee believes, in respect of a meeting or hearing held by it, that

(a) a matter respecting public security will arise, and its disclosure could reasonably be expected to seriously impair effective law enforcement,

(b) a financial or personal matter respecting a person will arise, and his interest in the matter outweighs the public's interest in the matter,

(c) a matter respecting labour contract discussions, labour management relations, layoffs or another personnel matter will arise, or

(d) a matter will arise respecting information a person has requested he be allowed to give in private to the commission, board or a committee,

the commission, board or committee, as the case may be, may order that the portion of the meeting or hearing during which the matter will arise shall be held in camera.

(3) Where the commission, or a board or committee makes an order under subsection (2), it shall forthwith submit to the minister a copy of the minutes of the meeting or hearing and a statement of the reasons for holding the meeting or hearing in camera.

1988-53-69.

Oaths and affirmations

70. (1) A person shall not assume office or exercise any powers or perform any duties as a provincial constable, auxiliary constable, municipal constable, special municipal constable, special provincial constable, enforcement officer, bylaw enforcement officer or member of the commission or a board or committee unless he takes, before he assumes office, an oath or affirmation in the prescribed form and manner.

(2) The minister may prescribe different forms of oaths and affirmations for provincial constables, auxiliary constables, municipal constables, special municipal constables, special provincial constables, enforcement officers, bylaw enforcement officers and members of the commission, boards and committees.

(3) The minister may, by regulation, require that an employee of the commission or the provincial police force take an oath or affirmation in the form and manner he prescribes.

(4) An oath or affirmation required to be taken under this section shall be filed with the person designated in the regulations.

(5) Subsection (3) does not apply to a person referred to in subsection (2).

1988-53-70.

Minutes and records

71. The commission and every board, committee and disciplinary tribunal shall keep minutes of its meetings and hearings and records of its inquiries.

1988-53-71.

Ombudsman

72. The *Ombudsman Act* does not apply to this Act or the regulations.

1988-53-72.

Service of notices

73. (1) Every notice required under this Act shall be in writing and shall be served personally or mailed by registered mail.

(2) Where a notice under this Act is mailed by registered mail, the addressee shall be deemed to have received the notice on the fifth day after the date of mailing.

1988-53-73.

Regulations

74. The Lieutenant Governor in Council may make regulations and, without limiting the foregoing, the Lieutenant Governor in Council may make regulations

(a) providing for or granting financial aid to the administration and course of study in a police training school or other educational institution,

(b) developing procedures for the handling of complaints from members of the public against police constables,

(c) for the government of police forces and governing the qualifications, ranks, conduct, training, duties, suspension, promotion, dismissal and punishment of members of police forces,

(d) prescribing the minimum salary or other remuneration and allowances to be paid to members of police forces,

(e) prescribing the minimum remuneration to be paid to the members of boards or committees who are designated by the Lieutenant Governor in Council or appointed by the minister,

(f) prescribing the minimum number of members of police forces that shall be employed either on a basis of population, area, property assessment or a combination of them, or on another basis,

(g) prescribing requirements respecting offices, buildings, places of detention and materiel to be provided by municipalities,

(h) prescribing or regulating the number of meetings to be held by boards and committees, the times and places they are to be held and the public notices and methods to be employed regarding the meetings,

(i) prescribing the records, returns, books and accounts to be kept and made by police forces or the members,

(j) prescribing the method of accounting for fees, costs and other money that comes into the hands of members of police forces,

(k) providing for the payment of fees and expenses to witnesses at hearings or appeals under this Act,

(l) prescribing the deployment, deportment, discipline and training of auxiliary constables,

(m) prescribing the administration of rewards offered in respect of an offence, and

(n) providing for the disposal of property where the provincial police force obtains custody of stolen or abandoned personal property.

1988-53-74.

Offence Act

75. (1) Section 5 of the *Offence Act* does not apply to this Act or the regulations.

(2) A person who contravenes section 66 (4) commits an offence.

1988-53-75.

Repeal

76. The *Police Act*, R.S.B.C. 1979, c. 331, is repealed.

1988-53-76.

Commencement

77. This Act comes into force by regulation of the Lieutenant Governor in Council.

1988-53-77.

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Victoria, 1989

APPENDIX "D"

MOTOR VEHICLE ACT, R.S.B.C. 1984, C.288.

construction or maintenance work on, under or over the surface of a highway while at the site of the work, but do apply to them when travelling to or from that site; and

(c) a person riding an animal or driving an animal driven vehicle on a highway has the rights and is subject to the duties of the driver of a vehicle under this Part.

RS1960-253-122; 1977-41-5.

Construction and maintenance vehicles

117. Notwithstanding section 116 (b), the driver of a vehicle referred to in that section shall drive with due regard for safety, having regard to all the circumstances, including the nature, condition and use of the highway and the amount of traffic that is, or might reasonably be expected to be, on it.

1977-41-6.

Exemption for emergency vehicles

118. (1) Notwithstanding anything in this Part, but subject to subsections (2) and (3), a driver of an emergency vehicle may

(a) exceed the speed limit;

(b) proceed past a red traffic control signal or stop sign without stopping;

(c) disregard rules and traffic control devices governing direction of movement or turning in specified directions; and

(d) stop or stand.

(2) The driver of an emergency vehicle shall not exercise the privileges granted by subsection (1) unless he is

(a) sounding an audible signal bell, siren or exhaust whistle and showing a flashing red light;

(b) a peace officer in the immediate pursuit of an actual or suspected violator of the law; or

(c) a peace officer engaged in a police duty of a nature that the sounding of a signal bell, siren or exhaust whistle would unduly hamper the performance of that duty, in which case he may exercise the privileges granted by subsection (1) by showing a red flashing light only.

(3) The driver of an emergency vehicle exercising a privilege granted by subsection (1) shall drive with due regard for safety, having regard to all the circumstances of the case, including

(a) the nature, condition and use of the highway;

(b) the amount of traffic that is on, or might reasonably be expected to be on, the highway; and

(c) the nature of the use being made of the emergency vehicle at the time.

RS1960-253-123; 1965-27-24; 1976-35-22.

Police traffic direction

119. Where a peace officer reasonably considers it necessary to

(a) ensure orderly movement of traffic;

(b) prevent injury or damage to persons or property; or

(c) permit proper action in an emergency,

APPENDIX "E"

ONTARIO MINISTRY OF THE SOLICITOR GENERAL

DIRECTIVE ON POLICE PURSUIT (1989)

DECEMBER 6, 1989

BACKGROUND
CONTEXTE

INTRODUCTION OF A DIRECTIVE TO MANAGE POLICE PURSUITS IN ONTARIO BY THE HONOURABLE STEVEN OFFER, SOLICITOR GENERAL OF ONTARIO

1. Overview

The Honourable Steven Offer has issued a directive to all police forces in Ontario to manage the safety of vehicle pursuits.

This directive will be accompanied by a comprehensive police training program, improved reporting procedures and an enhanced public education campaign to warn of the dangers and penalties associated with failure to stop for police.

Efforts to increase the fines for offences under Section 189A of the Highway Traffic Act (failure to stop for police) are under way, as is a review of several of other legal options available.

This directive was developed after careful review of the recommendations of the MacBeth report and recommendations made by Inquest juries, and after consultation with a Committee which included representatives from the OPP, Municipal Police Authorities, Police Association of Ontario, the Ontario Association of Chiefs of Police, Ontario Police College and Metropolitan Toronto Police. The external representatives on this Committee were:

> Judge Ward Allen and Hugh Waddell, Municipal Police Authorities; Mal Connolly and Staff Sergeant Bob Morrison, Police Association of Ontario; Chief Jim Harding, Chief Dave Edwards, Ontario Association of Chiefs of Police; Don McKnight, Chief Instructor Driver Training, Ontario Police College; Chief Jack Marks, Staff Superintendent Harold Bennett, Metropolitan Toronto Police; Peter Campbell, Deputy Commissioner, OPP.

This directive will form the basis of a Regulation under the Police Act, after the Act is revised, and will have paramountcy over all force guidelines.

2. The Directive

The Directive on Police Pursuit does not prohibit vehicle pursuit, but requires that police assess the balance of public safety and availability of alternatives to pursuit in any decision to pursue. Factors which must be considered in this assessment are included in the directive.

POLICE PURSUIT DIRECTIVE

DEFINITION

- A police pursuit occurs when a police officer attempts to stop a vehicle and the driver refuses to obey the officer, following which the officer pursues for the purpose of stopping the vehicle, or identifying the vehicle.

STATEMENT OF PRINCIPLES

- Public safety is the paramount consideration in any decision to initiate, to continue or to discontinue a police pursuit.
- Public safety represents a balance which may change rapidly and must be continually assessed.
- A police pursuit is the choice of last resort and will be considered only when other alternatives are unavailable or unsatisfactory.
- Police pursuits may be initiated where the police officer has reason to believe a criminal offence has been or is about to be committed.
- In cases involving suspected non-criminal offences police pursuits may be initiated only for the purposes of identifying the vehicle. In these cases, police pursuits shall be discontinued upon vehicle identification.

FACTORS TO CONSIDER

- In assessing whether to initiate, to continue or to discontinue a police pursuit, the police officer, supervisor or any other authorized person monitoring the pursuit must continually assess the following factors and how they influence the effect of a police pursuit on the balance of public safety:
  - the nature of the offence
  - the availability of other methods of apprehension
  - the age of the driver
  - the manner in which the driver is operating his or her vehicle
  - the presence of pedestrians or other traffic the presence in the pursued vehicle of passengers who are not suspects

The directive also strengthens accountability relationships and requires that, where a supervisor is available, management and control of the pursuit be assumed by a supervisor.

Under the directive, pursuits are limited to cases where the officer has reason to suspect a criminal offence has been or is about to be committed; in other situations the vehicle may be pursued, but only for the purposes of vehicle identification.

The directive prohibits ramming and the use of firearms to attempt to stop a vehicle. It also places restrictions on the use of unmarked vehicles.

The directive requires that officers who may engage in police pursuits be trained in a course approved by the Ontario Police College by January 1, 1991.

To enhance each force's accountability for the conduct of pursuits, the directive requires that all forces report to the Ministry of the Solicitor General on all circumstances related to pursuits initiated, discontinued and completed.

3. The MacBeth Report

In November 1984, the Solicitor General of Ontario established a special committee to examine police pursuit driving in Ontario, and recommend alternatives and improvements to procedures related to vehicle pursuit. In December 1985, the Special Committee on Police Pursuits submitted its report to the Solicitor General. The report, which became known as the MacBeth Report, contained 31 recommendations.

As recommended by the MacBeth report:

- The new directive
  - will apply to all forces and will be used as a basis for a regulation under the Police Act;
  - requires control of a pursuit to be assumed by a supervisor;
  - discourages the use of unmarked cars in pursuit except where a marked car is not immediately available and apprehension is required;
  - requires more detailed and frequent reporting on pursuits to the Ministry of the Solicitor General.
- Public education advising of the need to stop for police when directed to do so will be undertaken.

- The training program includes education in driver psychology and instruction in both the operation of vehicle emergency equipment (lights and sirens) when the vehicle is so equipped, and operation in the deployment of hollow spike belts.

- The directive is more restrictive than the MacBeth recommendations in that,

  - the ramming of a police vehicle into a pursued vehicle is prohibited;

  - the prohibition on the discharge of firearms for the purpose of stopping a vehicle applies whether or not the officer is in a vehicle.

The MacBeth report also recommended that, after introduction of the following four supplemental measures, vehicle pursuits be limited to situations involving offences under the Criminal Code. The recommended supplemental measures were:

- owner responsibility;

- enactment of legislation to permit impounding of a vehicle that has been used to flee from police;

- adoption of a camera system to photograph vehicles including licence plates, and to record the vehicle speed;

- the establishment of a helicopter patrol.

All four supplemental measures were thoroughly evaluated by the Ministry of the Solicitor General. The first two, owner liability and vehicle impoundment, involve legal/constitutional difficulties and are currently under review. The high cost of car-mounted cameras is not warranted without owner liability provisions to enable follow-up action. In addition. the effectiveness of the camera requires a closeness between the two vehicles which can have the unintended effect of encouraging flight and decreasing safety. Helicopter patrols are also very expensive and impractical considering the size of many policing jurisdictions, and the need for 24-hour-a-day, 7-day-a-week patrol in order to be available the instant required.

However, new technologies can offer improved safety. The Ministry will continue to be open to new technologies and ideas, and will adopt those which offer benefit.

4. Comprehensive Training Program

This directive requires that all officers who may be involved in pursuits be trained by January 1, 1991 in a course approved by the Ontario Police College. The Ministry of the Solicitor General has already modified the Ontario Police College's new recruit vehicle operations training program to include:

- greater emphasis on driver psychology;
- classroom instruction in alternatives to pursuit;
- awareness of proper deployment of hollow spike belts containment techniques;
- the use of radio communications to permit alternatives to pursuit;
- proper use of warning lights and sirens when the police vehicle is so equipped.

With the issuance of the directive, the Ministry of the Solicitor General will restructure Ontario Police College training to include:

- discussion and a knowledge test on the directive;
- education on road, vehicle and driver characteristics;
- instruction in the accountability and responsibilities of supervisors in pursuit control;
- parameters on the use of roadblocks.

The Ministry of the Solicitor General will expand the training track at the Ontario Police College to increase practical training in containment techniques and other alternatives to pursuit.

The Ontario Police College will develop a training program and video for all active police officers, civilian dispatchers and supervisors. This package will include the directive and information on all matters covered in new recruit and supervisor training.

5. Public Education

The Ministry of the Solicitor General has begun a process to introduce higher fines under the Highway Traffic Act for failure to stop for police. The proposal is that fines be increased to a minimum of $500 and a maximum of $5,000.

The Ministry of the Solicitor General will implement enhanced public education to inform the public of its responsibility to stop for police when directed, to warn of the dangers of non-compliance, and to caution about increased penalties associated with failure to stop for police.

Public education will be directed at all drivers with special emphasis on new or inexperienced drivers. It will include as a minimum:

- the development of a pamphlet for distribution through all high school and commercial driver education classes, safety associations, and police school visits;
- new text in the driver's handbooks issued by the Ministry of Transportation.

The Ministry of the Solicitor General will review other public education initiatives.

6. Reporting of Police Pursuits

The Ministry of the Solicitor General will improve pursuit reporting and analysis. This will be accomplished by:

- a requirement for all forces to report monthly on all pursuits;
- a new more structured reporting form to ensure comprehensive reports and to facilitate collection and analysis of pursuit statistics;
- the annual publication of pursuit statistics.

7. The Police Act

The Ministry has begun a process to complete major revisions to the Police Act. When legislated authority exists under the Police Act, the directive on police pursuits will be reviewed and will form the basis of a regulation under the amended Act.

8. Police Pursuit Statistics

In 1988, there were 1,454 pursuits in Ontario resulting in eight deaths, 299 persons injured, and damage to police and civilian vehicles in excess of $1.9 million.

The breakdown below relates to forces who engaged in 30 or more pursuits or who reported deaths.

Force	No. of Pursuits	Injuries	Deaths
Haldimand-Norfolk	47	2	0
Halton	33	6	0
Hamilton-Wentworth	30	6	0
London	39	5	2
Metropolitan Toronto	257	99	0
OPP	497	95	5
Waterloo	24	5	1
York	32	0	0
TOTAL	959	218	8

POLICE PURSUIT DIRECTIVE

DEFINITION

- A police pursuit occurs when a police officer attempts to stop a vehicle and the driver refuses to obey the officer, following which the officer pursues for the purpose of stopping the vehicle, or identifying the vehicle.

STATEMENT OF PRINCIPLES

- Public safety is the paramount consideration in any decision to initiate, to continue or to discontinue a police pursuit.
- Public safety represents a balance which may change rapidly and must be continually assessed.
- A police pursuit is the choice of last resort and will be considered only when other alternatives are unavailable or unsatisfactory.
- Police pursuits may be initiated where the police officer has reason to believe a criminal offence has been or is about to be committed.
- In cases involving suspected non-criminal offences police pursuits may be initiated only for the purposes of identifying the vehicle. In these cases, police pursuits shall be discontinued upon vehicle identification.

FACTORS TO CONSIDER

- In assessing whether to initiate, to continue or to discontinue a police pursuit, the police officer, supervisor or any other authorized person monitoring the pursuit must continually assess the following factors and how they influence the effect of a police pursuit on the balance of public safety:
  - the nature of the offence
  - the availability of other methods of apprehension
  - the age of the driver
  - the manner in which the driver is operating his or her vehicle
  - the presence of pedestrians or other traffic the presence in the pursued vehicle of passengers who are not suspects

- the presence in the police vehicle of non-police passengers
- the length of time or distance involved in the pursuit
- the nature and apparent condition of the vehicles involved in the pursuit
- the limits on the police officer's ability to operate his or her vehicle
- the nature and condition of the area travelled.

SPECIAL RESTRICTIONS

- Police officers will not discharge a firearm for the sole purpose of attempting to stop a vehicle.
- The deliberate ramming of a police vehicle into a pursued vehicle is prohibited.
- Unmarked vehicles shall not be used in police pursuits except where a marked car is not immediately available and apprehension is required.
- No police officer shall engage in a police pursuit unless trained in a course approved by the Ontario Police College. This restriction is effective January 1, 1991.

POLICE PURSUIT MANAGEMENT AND CONTROL

- The responsibility for the safe conduct of a police pursuit rests with the individual police officer, the dispatcher, and the supervisor or any other authorized person monitoring the pursuit.

Dispatcher Responsibilities

- Upon commencing a pursuit, a police officer shall notify the dispatcher who shall:
  - advise other units of the pursuit
  - notify the appropriate supervisor where one is available
  - control radio communications during the pursuit
  - inform other police forces in the vicinity that a pursuit is in progress in order to ensure maximum coordination and cooperation
  - notify the appropriate supervisor when the pursuit is discontinued

Supervisor Responsibilities

- When a supervisor or other authorized person has been notified by the dispatcher, that person shall:
  - assume control of the pursuit
  - monitor the progress of the pursuit to ensure compliance with this guideline
  - order additional units to assist if necessary
  - order unnecessary units to resume normal patrol
  - order alternative tactics possible
  - order discontinuation of the pursuit if time, distance, road traffic conditions, or other circumstances warrant
  - conduct a follow-up review of procedures
- Where more than one jurisdiction is involved, the responsible supervisor is the supervisor in the jurisdiction where the pursuit is ongoing.

REPORTING OF PURSUITS

- Each force is accountable for the conduct of pursuits according to this directive. To enhance this accountability, reports on all pursuits, on a form to be prescribed, will be submitted to Ministry of the Solicitor General.
  - All forces will report monthly to the Ministry of the Solicitor General on all circumstances related to pursuits initiated, discontinued and completed.
  - Where a pursuit results in personal injury, death or significant property damage, an investigation will be conducted immediately and the resulting report reviewed by the Ministry of the Solicitor General.
  - Where a pursuit has covered more than one jurisdiction, the police force in the jurisdiction where the pursuit began shall ensure coordination of a joint report to the Ministry of the Solicitor General.

APPENDIX "F"

MANITOBA POLICE COMMISSION

POLICE PURSUIT GUIDELINES AND RELATED RECOMMENDATIONS

POLICE PURSUIT GUIDELINES

AND

RELATED RECOMMENDATIONS

Final Paper

Amended and Approved by

MANITOBA POLICE COMMISSION

April 14, 1989

PART A

POLICE PURSUIT GUIDELINES

MANITOBA POLICE COMMISSION

POLICE PURSUIT GUIDELINES

PURSUITS

Resolute law enforcement requires that pursuit of fleeing drivers is at times necessary for police to discharge their role of investigating and apprehending lawbreakers. A solemn and concerned acceptance of this responsibility requires that a realistic assessment be made of the level of risk-taking a situation merits. Risks and dangers of high speed pursuit are major concerns.

These guidelines stress the need for each police officer involved to assess the situation and conditions under which pursuit is started or continued.

1. For the purposes of these guidelines, police pursuits of vehicles are divided into two categories:

(a) Routine pursuits, which occur during normal police patrol activities and include monitoring traffic, checking vehicles and drivers for infractions, checking vehicle occupants, clocking and apprehending speeders, for which purposes it may be necessary to overtake and stop vehicles;

b) High speed pursuits, which occur when the police, for the purposes of apprehension, pursue a vehicle, the driver of which has revealed his intention to elude police and avoid apprehension by failing to obey the direction of a police officer to stop his vehicle; and

i) maintaining or increasing speed at or to an unreasonable degree considering conditions affecting use of the roadway; or

ii) driving in a dangerous, negligent, careless, or imprudent manner.

2. Pursuits shall be initiated and continued only as a measure of last resort, when the seriousness of the offence and the necessity of immediate apprehension are judged to outweigh the level of danger created by the pursuit.

3. Notwithstanding paragraph 2, a high speed pursuit will not be undertaken when:

(a) there are non-police passengers in the police vehicle;

(b) entered into for minor violations or for reasons of suspicion only;

(c) there is a present and clear danger to the officer and/or users of the roadway, including pedestrians, created by the pursuit;

(d) the subject's identity has been established and there is no need for immediate apprehension.

4. Pursuits shall be abandoned when:

(a) the risk to anyone becomes too great, when the pursuit becomes futile, or when apprehension by other means is possible;

(b) the pursuit enters a residential area during such time that one might reasonably expect the public to be in that vicinity;

(c) hazardous road conditions are encountered;

(d) speeds exceed 50 km/h over the posted speed limit; or

(e) as soon as the driver can be identified, or a licence number obtained.

5. A firearm shall not be discharged at or from a moving vehicle except in defence of life, and not as a means of immobilising a vehicle being pursued.

6. (a) A supervisor will take over dispatch control of a police pursuit. Where no supervisor is on duty, the senior member present will be the supervisor. The supervisor is responsible for directing the pursuit.

(b) A police officer engaged in a high speed pursuit has the right to abandon the pursuit on the grounds of safety, even contrary to the directions of a supervisor.

7. Only one police vehicle will directly pursue a fleeing vehicle, with one additional police vehicle as back-up.

8. A pursuit supervisor may direct additional police vehicles to assist in specified manner in the pursuit if he/she is of the opinion these vehicles may be used in safety and without danger to the public, or to speedily terminate the pursuit.

9. (a) With the exception listed below, a high speed pursuit will be carried out only with a vehicle marked as a police vehicle and fully equipped with emergency lights and audible equipment, which will be kept in use at all times during the pursuit.

(b) In exceptional circumstances, a pursuit supervisor may authorize an unmarked vehicle not equipped with emergency lights and audible equipment to engage in a high speed pursuit but will have it replaced by a marked, equipped vehicle at the earliest opportunity.

(c) A motorcycle, unmarked, or plainclothes unit may through circumstances, initiate a high speed pursuit, but shall be replaced by a unit marked as a police vehicle and equipped with emergency lights and audible equipment, unless otherwise directed by the supervisor.

10. A police vehicle engaged in a high speed pursuit shall not be used to ram, bump or assist in boxing in the fleeing vehicle unless these methods can be carried out in safety, there is no other means of stopping the vehicle, and the pursuit supervisor concurs.

11. (a) Spike belts may be used to stop a fleeing vehicle only when directed by the pursuit supervisor and within policy laid down by the Chief of Police.

(b) Spike belts shall not be used to stop motorcycles, three-wheeled vehicles or similar light vehicles whose stability may be affected thereby.

12. Roadblocks may be established to stop a fleeing vehicle only when directed by the pursuit supervisor under policy published by the Chief of Police.

13. (a) The following situations are to be given special consideration in the decision whether to pursue, or to abandon pursuit, due to the factors shown:

(i) motorcycles, three-wheel vehicles and certain similar light vehicles, which are not fully stable on the roadway, especially when driven at higher than normal speeds;

(ii) an impaired driver presents a special problem in that a pursuit may result in him/her driving even more dangerously than if no pursuit occurred.

(b) In both situations judgment should be exercised on the side of safety.

14. (a) Every Chief of Police will take steps to have his personnel who may become involved in high speed pursuits, trained in special pursuit driving skills.

(b) Where the size of the department precludes special facilities, the Chief should take steps to have the necessary training carried out to a major police department training school, or with a recognized pursuit driving facility.

15. Every Chief of Police will publish policy for his department, within three months from receipt of, and consistent with, these guidelines, governing high speed pursuits by members of his department. The policy will cover procedures, duties of all officers and members involved in pursuits, and provision for post-pursuit review, together with any other matters considered necessary by the Chief.

16. Every Chief of Police will send a report on a semi-annual basis to the Manitoba Police Commission; the report will show the number of high speed pursuits, the reason for initiating each, deaths or injuries incurred, the amount and nature of all property damage, the age of the drivers involved, and time of day each occurred.

PART B

RECOMMENDATIONS FOR LEGISLATIVE AMENDMENT

The Commission recommends the Highway Traffic Act be amended to provide for:

1. A stiffer penalty for the offence of Failing to Stop a vehicle on direction of a peace officer;

2. A distinction between the offence of Failing to Stop a vehicle on direction of a peace officer, and the continuation of that offence in an effort to evade police; the latter circumstance to be subject to additional penalties;

3. A narrowing of the scope of the "vehicle owner responsibility with reverse onus" clause to bring it within Charter provisions.

PART C

GENERAL RECOMMENDATIONS TO ASSIST IN LAW ENFORCEMENT

The Police Commission recommends:

1. A full public education campaign to bring to public attention the seriousness and consequences of Failing to Stop for the police and of fleeing the police;

2. Use of cameras by the police as a measure to assist in the identification and apprehension of drivers who flee;

3. An appropriate and cost-effective cross-channel repeater system to form the basis of an inter-(police)departmental communications network.

APPENDIX "G"

COMPARISON OF RCMP AND MUNICIPAL POLICE PROCEDURES

MANUAL ENTRIES ON DISCONTINUING HAZARDOUS PURSUITS

October 3, 1986
Doc. #5

British Columbia Police Commission: POLICING STANDARDS PROJECT

Comparison of RCMP and Municipal Police Procedures Manual Entries on Discontinuing Hazardous Pursuits

Agency	General Section	Specific Section
R.C.M.P.	Oper. Part II, Ch.6, S/S I.2(a) Hazardous Pursuits (8p.)	S/S I.2(a) 1(8) (Policy) and I.2(a)2(4),(5)and(6)(Gen)(311)
Central Saanich	(No manual on file with the Commission.)	
Delta	Sec. 89 Pursuits. (Section covers shots on vehicle and use of force only. No entries on hazardous pursuits.)	
Esquimalt	Sec. AI2100, 2200 and 2300 High Speed Pursuit (8p.)	S/S AI 2100: 1.7(1) Pursuit Termination (7L.)
Matsqui	Oper. Sec.4 Emergency Operation - Pursuit Driving (4p.)	S/S 4.3(d) Termination of Pursuit (25L.)
Nelson	Oper. Sec.196 Pursuit Driving (3p.)	S/S 196(8) Discontinuing the Pursuit (12L.)
New Westminster	Oper. Sec. CC3800-CC4700 Pursuit (4p.)	S/S CC4000 Pursuit-Discontinuing (15L.)
Oak Bay	Sec. 41 Police Vehicles-Emergency Operations (3p.)	No entries specifically on hazardous pursuits
Port Moody	Sec. 338.4 Pursuit Driving (3p.)	S/S 338.4(g) Discontinuing the Pursuit (3L.)
Saanich	Sec. 25 Pursuit Driving (1p.)	S/S 25(1) (General policy on pursuits) (5L.)
Vancouver	Sec. 141.3 Police Vehicle - Pursuit Driving (6p.)	S/S 141.3 (12) and (13) (authority & policies) (25L.)
Victoria	Sec. CC4300-5350 Pursuit (12p.)	S/S CC4700: 3.0, 4.0 and 5.0 (Discontinuing authority & policies) (16L.)
West Vancouver	Part IX Sec. OJ1200 Pursuit Driving (3p.)	S/S OJ1200: VII Discontinuing the Pursuit (13L.)

APPENDIX "H"

DRIVING TRAINING

DRIVER TRAINING

BLOCK I

- DAY 1 (CITY)
  - HAZARD AVOIDANCE TRAINING
    - INITIAL DRIVE
    - DEMONSTRATION DRIVE
    - COACHED DRIVE
    - (POSSIBLE STEERING AND BRAKING) (depends on the size of the class)

- DAY 2 (CITY)
  - HAZARD AVOIDANCE TRAINING
    - EVALUATION DRIVE (MONOLOGUE)
    - QUALIFY H.A.T.
    - TOTAL CONTROL STEERING,BRAKING AND ACCELERATION

- DAY 3 (BOUNDARY BAY)
  - STEERING, BRAKING, BACKING, MANOUVERABILITY EXERCISES.
  - FORD,CHEV,LARGE VANS
  - POLICE TURNS

- DAY 4 (BOUNDARY BAY)
  - ADVANCED DRIVING TECHNIQUES
    - DRIVER CAPABILITIES
    - VEHICLE CAPABILITIES
    - ACCELERATION,BRAKING,CORNERING AND SKID RECOVERY TECHNIQUES
    - QUALIFY PTEC LEVEL II

- DAY 5 (BOUNDARY BAY)
  - EMERGENCY VEHICLE OPERATION
    - TACTICAL POLICE DRIVING COURSE
    - STEERING BRAKING AND ACCELERATION ETC. UNDER EMERGENCY VEHICLE OPERATION.
    - CRIMINAL AND CIVIL LIABILITIES IN EMERGENCY VEHICLE OPERATION
    - SIMULATED PURSUITS

- DAY 6 (BOUNDARY BAY)
  - QUALIFICATION DAY
    - TACTICAL POLICE DRIVING COURSE
    - PERCEPTION/REACTION
    - DECISION/REACTION

DRIVER TRAINING

BLOCK I

DRIVER TRAINING IN BLOCK I ENCOMPASSES THE PACIFIC TRAFFIC EDUCATION CENTRE ADVANCED DRIVING COURSES.

THERE ARE THREE LEVELS INVOLVED.

LEVEL ONE (THREE DAYS)

- HAZARD AVOIDANCE TRAINING
- IS HANDS ON DRIVING IN EITHER 12 OR 15 PASSENGER VANS IN EVERY DAY TRAFFIC CONDITIONS. THIS TRAINING EMPHASIZES SPACE, TIME AND VISIBILITY WHEN DRIVING UNDER ALL TRAFFIC CONDITIONS. STUDENTS LEARN SAFE DRIVING TECHNIQUES AND HOW TO AVOID ACCIDENT SITUATIONS. THIS COURSE WAS DEVELOPED BY THE B.C. SAFETY COUNCIL.
- THIS COURSE IS COVERED IN THE FIRST DAY AND A HALF
- THE REMAINDER OF THE SECOND DAY IS FOCUSED ON STEERING, BRAKING AND ACCELERATION EXERCISES IN THE CITY
- THE THIRD DAY IS SPENT AT BOUNDARY BAY FOCUSING ON STEERING, BRAKING, ACCELERATION, BACKING AND MANOUVERABILITY EXERCISES IN FORDS, CHEVS, 12 AND 15 PASSENGER VANS.

LEVEL TWO (ONE DAY)

- ADVANCED DRIVING TECHNIQUES
- HANDS ON DRIVING AT BOUNDARY BAY TO TEACH DRIVERS THEIR LIMITATIONS AND CAPABILITIES AND THE LIMITATIONS AND CAPABILITIES OF THEIR VEHICLE UNDER BOTH NORMAL AND EXTREME CONDITIONS.

LEVEL THREE (TWO DAYS)

- EMERGENCY VEHICLE OPERATION
- THIS TRAINING EMPHASIZES LEVEL TWO TECHNIQUES WHILE OPERATING UNDER EMERGENCY CONDITIONS.

LEVEL TWO AND LEVEL THREE ENCOMPASS THE TACTICAL POLICE DRIVING COURSE AS KNOWN PREVIOUSLY.

LEVEL ONE AND LEVEL TWO CAN BE TAKEN BY ANYONE THROUGH PACIFIC TRAFFIC EDUCATION CENTRE. LEVEL THREE IS GENERIC TO THE POLICE IN THE OPERATION OF EMERGENCY VEHICLES

DRIVER TRAINING

BLOCK III

IN BLOCK THREE THE RECRUITS ARE REQUIRED TO REQUALIFY IN HAZARD AVOIDANCE TRAINING AND ALSO IN POLICE EMERGENCY VEHICLE OPERATION. ONE DAY FOR EACH SEGMENT.

DAY 1

- REQUALIFICATION DRIVE
- WITHIN CITY
- STUDENTS MONOLOGUE UTILIZING H.A.T. TECHNIQUES IDENTIFYING POTENTIAL PROBLEMS AND INDICATE WHAT SOLUTIONS ARE AVAILABLE
- STEERING, BRAKING AND ACCELERATION

DAY 2

- BOUNDARY BAY
- EVALUATION DRIVES WITH INSTRUCTOR, COACHING WHERE REQUIRED
- REQUALIFICATION
- EMERGENCY VEHICLE OPERATION
- DRIVING COURSE EXERCISES
- PERCEPTION/REACTION
- DECISION/REACTION

DRIVER TRAINING

BLOCK 4 & 5

EACH BLOCK RECEIVES ONE DAY AT BOUNDARY BAY IN WHICH TO REQUALIFY IN THE EMERGENCY VEHICLE OPERATION

- EVALUATION DRIVES WITH THE INSTRUCTOR WITH COACHING WHEN REQUIRED
- REQUALIFICATION
- EMERGENCY VEHICLE OPERATION
- PERCEPTION/REACTION
- DECISION/ REACTION